

FEDERAL REGISTER

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Agencies in this issue—

The President
Agricultural Stabilization and
Conservation Service
Agriculture Department
Atomic Energy Commission
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Fish and Wildlife Service
Interior Department
Internal Revenue Service
Interstate Commerce Commission
Justice Department
Labor Department
Land Management Bureau
Securities and Exchange Commission
Small Business Administration
Treasury Department
Wage and Hour Division

Detailed list of Contents appears inside.



How To Find U.S. Statutes and United States Code Citations

[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been in-

cluded. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

This revised edition contains illustrations of principal finding aids and reflects the changes made in the new master table of statutes set out in the 1964 edition of the United States Code.

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Title 3—THE PRESIDENT

Executive Order 11324

CREATING AN EMERGENCY BOARD TO INVESTIGATE DISPUTES BETWEEN THE CARRIERS REPRESENTED BY THE NATIONAL RAILWAY LABOR CONFERENCE AND CERTAIN OF THEIR EMPLOYEES

WHEREAS disputes exist between the carriers represented by the National Railway Labor Conference, designated in List A attached hereto and made a part hereof, and certain of their employees represented by the International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers & Helpers; Sheet Metal Workers' International Association; International Brotherhood of Electrical Workers; Brotherhood Railway Carmen of America; International Brotherhood of Firemen and Oilers functioning through the Railway Employees' Department, AFL-CIO, labor organizations; and

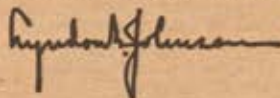
WHEREAS these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS these disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service:

NOW THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate these disputes. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its findings to the President with respect to the disputes within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which the disputes arose.



THE WHITE HOUSE,
January 28, 1967.

LIST A—EASTERN RAILROADS

Akron, Canton & Youngstown Railroad.
 Ann Arbor Railroad.
 Baltimore & Ohio Railroad (Incl. S.C. & M.R.R.):
 Baltimore & Ohio Chicago Terminal Railroad.
 Staten Island Rapid Transit Company.
 Bangor & Aroostook Railroad.
 Bessemer & Lake Erie Railroad.
 Boston & Maine Railroad.
 Brooklyn Eastern District Terminal.
 Buffalo Creek Railroad.
 Canadian National Lines in United States:
 St. Lawrence Region.
 Great Lakes Region.
 Canadian Pacific Lines in Maine & Vermont.
 Central Railroad Company of New Jersey: New York & Long Branch R.R.
 Central Vermont Railway.
 Chicago Union Station Company.
 Cincinnati Union Terminal Company.
 Dayton Union Railway.
 Delaware & Hudson Railroad.
 Detroit & Toledo Shore Line Railroad.
 Detroit Terminal Railroad.
 Detroit, Toledo & Ironton Railroad.
 Erie-Lackawanna Railroad.
 Grand Trunk Western Railroad.
 Indianapolis Union Railway.
 Lehigh & Hudson River Railway.
 Lehigh & New England Railway.
 Lehigh Valley Railroad.
 Maine Central Railroad: Portland Terminal Company (Maine).
 Monon Railroad.
 Monongahela Railway.
 Montour Railroad.
 Newburgh & South Shore Railway.
 New York Central System:
 New York Central Railroad:
 New York District: Grand Central Terminal.
 Eastern District: Boston & Albany Division.
 Western District.
 Northern District.
 Southern District (Incl. P. & E. Rwy. L&JBRR and Ohio Central Division).
 Indiana Harbor Belt Railroad.
 Chicago River and Indiana Railroad (Incl. Chicago Junction Ry.).
 Pittsburgh & Lake Erie Railroad: Lake Erie and Eastern Ry.
 Cleveland Union Terminal.
 New York Dock Railway.
 New York, New Haven & Hartford Railroad.
 New York, Susquehanna & Western Railroad.
 Pennsylvania Railroad.
 Pennsylvania-Reading Seashore Lines.
 Reading Company: Philadelphia, Reading & Pottsville Telegraph Co.
 Toledo Terminal Railroad.
 Washington Terminal Company.
 Western Maryland Railway.

LIST A—SOUTHEASTERN RAILROADS

Atlanta & West Point Railroad: Western Railway of Alabama.
 Atlanta Joint Terminals.
 Atlantic Coast Line Railroad.
 Central of Georgia Railway.
 Chesapeake & Ohio Railway.
 Clinchfield Railroad.
 Georgia Railroad.
 Gulf, Mobile & Ohio Railroad.
 Jacksonville Terminal Company.
 Kentucky & Indiana Terminal Railway.
 Louisville & Nashville Railroad.
 Mississippi Central Railroad.
 New Orleans Public Belt Railroad.
 Norfolk & Portsmouth Belt Line Railroad.
 Norfolk & Western Railway.
 Norfolk Southern Railway.
 Richmond, Fredericksburg & Potomac Railroad: Potomac Yard.
 Seaboard Air Line Railway.
 Southern Railway:
 Alabama Great Southern Railway.
 Cincinnati, New Orleans & Texas Pacific Railroad.
 Georgia, Southern & Florida Railway.
 Harriman & Northeastern Railroad.
 New Orleans & Northeastern Railroad.
 New Orleans Terminal Company.
 St. Johns River Terminal Company.

LIST A—SOUTHEASTERN RAILROADS—Continued

Tennessee Central Railway.
Terminal Railway-Alabama State Docks.

LIST A—WESTERN RAILROADS

Alton & Southern Railroad.
Atchison, Topeka & Santa Fe Railway:
 Gulf, Colorado & Santa Fe Railway.
 Panhandle & Santa Fe Railway.
Belt Railway of Chicago.
Butte, Anaconda & Pacific Railway.
Camas Prairie Railroad.
Chicago & Eastern Illinois Railroad.
Chicago & Illinois Midland Railway.
Chicago & North Western Railway (Incl. Omaha & M & St. L. Division).
Chicago & Western Indiana Railroad.
Chicago, Burlington & Quincy Railroad.
Chicago Great Western Railway.
Chicago, Milwaukee, St. Paul & Pacific R.R.
Chicago, Rock Island & Pacific Railroad.
Chicago South Shore and South Bend Railroad.
Chicago, West Pullman & Southern Railway.
Colorado & Southern Railway.
Colorado & Wyoming Railroad.
Davenport, Rock Island & North Western R.R.
Denver & Rio Grande Western Railroad.
Des Moines Union Railway.
Duluth, Missabe & Iron Range Railway.
Duluth Union Depot & Transfer Company.
Duluth, Winnipeg & Pacific Railway.
East St. Louis Junction Railway.
Elgin, Joliet & Eastern Railway.
Ft. Worth & Denver Railway.
Galveston, Houston & Henderson Railroad.
Great Northern Railway.
Green Bay & Western Railroad.
Houston Belt & Terminal Railway.
Illinois Central Railroad: Barge 100.
Illinois Northern Railway.
Illinois Terminal Railroad.
Joint Texas Division, CRI&P & FWAD Ry.
Kansas City Southern Railway.
Kansas City Terminal Railway.
Lake Superior & Ishpeming Railroad.
Lake Superior Terminal & Transfer Railway.
LaSalle Street Station.
Longview, Portland & Northern Railroad.
Los Angeles Junction Railway.
Louisiana & Arkansas Railway.
Manufacturers Railway.
Midland Valley Railroad: Kansas, Oklahoma & Gulf Railway.
Milwaukee, Kansas City Southern Joint Agency.
Minneapolis, Northfield & Southern Railway.
Minnesota Transfer Railway.
Missouri-Kansas-Texas Railroad Company.
Missouri Pacific Railroad:
 Missouri Illinois Railroad.
 Sedalia Reclamation Plant.
Northern Pacific Railway.
Northwestern Pacific Railroad.
Ogden Union Railway & Depot Company.
Peoria & Pekin Union Railway.
Port Terminal Railroad Association (Houston).
Portland Terminal Railroad.
Pueblo Joint Car Interchange & Insp. Bureau.
St. Joseph Terminal Railroad Company.
St. Louis-San Francisco Railway: St. Louis-San Francisco & Texas.
St. Louis Southwestern Railway.
St. Paul Union Depot Company.
San Diego & Arizona Eastern Railway.
Sioux City Terminal Railway Company.
Soo Line Railroad.
South Omaha Terminal Railway.
Southern Pacific Company (Pacific Lines).
Southern Pacific Company (Texas & Louisiana Lines).
Spokane, Portland & Seattle Railway:
 Oregon Electric Railway.
 Oregon Trunk Railway.

LIST A—WESTERN RAILROADS—Continued

Terminal Railroad Association of St. Louis.
Texas & Pacific Railway:
 Abilene & Southern Railway.
 Ft. Worth Belt Railway.
 Texas and New Mexico Railway.
 Weatherford, Mineral Wells & Northwestern.
Texas Mexican Railway Company.
TP-MP Terminal of New Orleans.
Toledo, Peoria & Western Railroad.
Union Pacific Railroad.
Union Railway Company (Memphis).
Union Terminal Company (Dallas).
Western Pacific Railroad.
Wichita Terminal Association.

[F.R. Doc. 67-1184; Filed, Jan. 30, 1967; 10:43 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 11]

PART 722—COTTON

Subpart—Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton

EXPORT MARKET ACREAGE

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to make a finding as to the amount of applications in acres for export market acreage from the 250,000-acre national export market acreage reserve for the 1967 crop of upland cotton.

Since this amendment only involves a finding of fact upon which allocations of export market acreage reserve are to be approved, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 (80 Stat. 383) is unnecessary. Accordingly, this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

Section 722.451(c)(3) of the regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 13205) is amended to read as follows:

§ 722.451 Export market acreage for 1967.

(e) Procedure for apportioning export market acreage to farms. * * *

(3) Finding as to amount of acreage requested for 1967. It is hereby found that applications for apportionment to farms from the 250,000-acre national export market acreage reserve for 1967 which were timely filed for amounts of acreage permitted under paragraph (b) of this section consisted of a total amount of acreage less than such reserve. Accordingly, the applications so received shall be approved and apportionment of export market acreage to farms shall be made in accordance with subparagraphs (1) and (2) of this paragraph.

(Secs. 346(e), 375, 79 Stat. 1192, 52 Stat. 66, as amended; 7 U.S.C. 1346(e), 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 24, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-1091; Filed, Jan. 30, 1967; 8:47 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[842.2, Supp. 9]

PART 842—BEET SUGAR AREA

Approved Local Areas for 1965 Crop

§ 842.11 Approved local areas for the 1965 crop.

For purposes of considering eligibility for abandonment and crop deficiency payments on 1965-crop sugarbeets, the respective Agricultural Stabilization and Conservation county committees have determined with respect to the following counties and local producing areas that due to drought, flood, storm, freeze, disease, or insects, the actual yields of commercially recoverable sugar from the acreages planted to sugarbeets on farms in each such county or local producing area were below 80 percent of the applicable normal yields either for 10 percent or more of the number of such farms or for 10 percent or more of the total acres of sugarbeets planted on all farms in such county or local producing area.

(a) California.

ENTIRE COUNTIES

Butte.	San Luis Obispo.
Colusa.	Santa Barbara.
Fresno.	Santa Clara.
Glenn.	Santa Cruz.
Imperial.	Solano.
Monterey.	Stanislaus.
Orange.	Sutter.
Riverside.	Tehama.
Sacramento.	Tulare.
San Benito.	Ventura.
San Joaquin.	Yolo.

INDIVIDUAL LOCAL PRODUCING AREAS

Counties and areas

Kern: T. 9 N., R. 14 W.
Kings: T. 24 S., R. 22 E.

(b) Colorado.

ENTIRE COUNTIES

Adams.	Montrose.
Alamosa.	Morgan.
Baca.	Otero.
Bent.	Phillips.
Boulder.	Prowers.
Crowley.	Pueblo.
Kit Carson.	Rio Grande.
Larimer.	Saguache.
Las Animas.	Sedgwick.
Logan.	Washington.
Mesa.	Weld.

(c) Idaho.

ENTIRE COUNTIES

Ada.	Jerome.
Bingham.	Lincoln.
Blaine.	Madison.
Bonneville.	Minidoka.
Cassia.	Oneida.
Franklin.	Payette.
Fremont.	Power.
Gem.	Twin Falls.
Gooding.	Washington.
Jefferson.	

INDIVIDUAL LOCAL PRODUCING AREAS

Counties and Areas

Bannock: Area 1; Area 2; Area 3.
Canyon: Area 2; Area 4; Area 6; T. 2 N., R. 2 W.; T. 2 N., R. 1 W.; T. 1 N., R. 2 W.; T. 2 N., R. 3 W.; T. 3 N., R. 3 W.
Caribou: Area 1; Area 2.
Owyhee: Area 1; Area 2; Area 4; T. 3 N., R. 5 W.

(d) Illinois.

ENTIRE COUNTY

Cook.

(e) Indiana.

ENTIRE COUNTY

Adams.

(f) Iowa.

ENTIRE COUNTIES

Cerro Gordo. Kossuth.

INDIVIDUAL LOCAL PRODUCING AREAS

County and Areas

Monona: Area 1; Area 2.

(g) Kansas.

ENTIRE COUNTIES

Cheyenne.	Stanton.
Grant.	Wallace.
Kearny.	Wichita.
Sherman.	

(h) Michigan.

ENTIRE COUNTIES

Arenac.	Macomb.
Bay.	Midland.
Clinton.	Monroe.
Genesee.	Saginaw.
Gratiot.	St. Clair.
Ingham.	Sanilac.
Isabella.	Shiawassee.
Lapeer.	Tuscola.

INDIVIDUAL LOCAL PRODUCING AREAS

County and Areas

Huron: Area 1; Area 2; Area 3; Area 4; Area 5; Area 6; Area 7; Brookfield; Fairhaven; Huron; McKinley; Sand Beach; Sebewaing; Winsor.

(i) Minnesota.

ENTIRE COUNTIES

Chippewa.	Nicollet.
Paribault.	West Polk.
Kandiyohi.	Redwood.
Kittson.	Sibley.
Marshall.	Swift.
Martin.	Yellow Medicine.
Meeker.	

INDIVIDUAL LOCAL PRODUCING AREAS

County and Areas

Clay: Georgetown.
Freeborn: Freeborn; Carlton.
Norman: Area 1; Area 3.
Renville: Area 3; Area 4.

(j) Montana.

ENTIRE COUNTIES

Big Horn.	Phillips.
Blaine.	Prairie.
Broadwater.	Ravalli.
Carbon.	Richland.
Custer.	Rosebud.
Dawson.	Stillwater.
Lake.	Treasure.
Lewis and Clark.	Yellowstone.
Missoula.	

(k) Nebraska.

ENTIRE COUNTIES

Box Butte.	Kearney.
Buffalo.	Keith.
Burt.	Lincoln.
Chase.	Morrill.
Cheyenne.	Phelps.
Dawson.	Scotts Bluff.
Deuel.	Sheridan.
Dundy.	Sioux.
Garden.	

(l) Nevada.

ENTIRE COUNTIES

Churchill.	Washoe.
Pershing.	

(m) New Mexico.

INDIVIDUAL LOCAL PRODUCING AREA

County and Area

Curry: T. 6 N., R. 36 E.

(n) New York.

ENTIRE COUNTIES

Cayuga.	Onondaga.
Cortland.	Ontario.
Genesee.	Orleans.
Herkimer.	Oswego.
Livingston.	Seneca.
Madison.	Tompkins.
Monroe.	Wayne.
Oneida.	Yates.

(o) North Dakota.

ENTIRE COUNTIES

Burleigh.	Trall.
Grand Forks.	Walsh.
McKenzie.	Williams.
Pembina.	

(p) Ohio.

ENTIRE COUNTIES

Fulton.	Sandusky.
Hancock.	Seneca.
Hardin.	Van Wert.
Lucas.	Wood.
Mercer.	Wyandot.

INDIVIDUAL LOCAL PRODUCING AREAS

County and Areas

Allen: Area 1; Area 2.
Erie: Area 1.
Ottawa: Area 1; Harris.
Putnam: Area 3.

(q) Oregon.

ENTIRE COUNTIES

Malheur.	Umatilla.
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(r) Texas.

ENTIRE COUNTIES

Briscoe.	Swisher.
Hall.	

(s) Utah.

ENTIRE COUNTIES

Box Elder.	Salt Lake.
Cache.	Sanpete.
Carbon.	Sevier.
Iron.	Utah.
Juab.	Weber.

(t) Washington.

ENTIRE COUNTIES

Benton.	Grant.
Franklin.	

(u) Wyoming.

ENTIRE COUNTIES

Big Horn.	Laramie.
Converse.	Park.
Fremont.	Platte.
Goshen.	Sheridan.
Hot Springs.	Washakie.
Johnson.	

Statement of bases and considerations.

One of the conditions of eligibility of a sugarbeet producer for an acreage abandonment or crop deficiency payment is that the farm of such producer is located in a county or local producing area for which the Agricultural Stabilization and Conservation county committee determines that certain uncontrollable natural conditions have caused a prescribed amount of damage to the sugarbeet crop.

The purpose of this supplement is to give notice that specific counties and local producing areas have qualified under the requirements with respect to the 1965 crop of sugarbeets and that any sugarbeet producer operating a farm which is located in any one of these counties or local producing areas and which is otherwise qualified may apply for payment accordingly, if he has not already done so.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; sec. 303, 61 Stat. 930; 7 U.S.C. 1133)

Effective date: Date of publication.

Signed at Washington, D.C., on January 25, 1967.

CHAS. M. COX,

Acting Deputy Administrator,
State and County Operations.

[F.R. Doc. 67-1092; Filed, Jan. 30, 1967;
8:47 a.m.]

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Iowa Allotment Areas and Farm Proportionate Shares for 1966 Crop

Pursuant to the provisions of § 850.170 (30 F.R. 15403), the Agricultural Sta-

bilization and Conservation Iowa State Committee has issued the bases and procedures for dividing the State into allotment areas and establishing individual farm shares for the 1966 sugarbeet crop from acreage allocated and from any unused acreage redistributed to Iowa. Copies of these bases and procedures are available for public inspection at the office of such committee at the Iowa Building, 505 Sixth Avenue, Des Moines, Iowa, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugarbeet producing counties of Iowa. These bases and procedures incorporate the following:

§ 850.195 Iowa.

(a) *Allotment areas.* Iowa shall be divided into two allotment areas. These areas shall be designated as the Onawa Area and the Mason City Area. Acreage allotments of 2,314 acres and 1,353 acres, respectively, are established for these areas on the basis of the percentage relationship between the State acreage allocation and the average accredited acreage history for the 1963 and 1964 crops of such areas as a measure of "past production" and "ability to produce" sugarbeets.

(b) *Set-aside of acreage.* Set asides of acreage shall be made from area allotments as follows: Onawa Area—50 acres for new-producer farms including farms operated by students as educational test plots, 7 acres for appeals and 7 acres for adjustments in initial shares, Mason City Area—65 acres for new-producer farms including farms operated by students as educational test plots, 12 acres for appeals and 12 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm share shall be filed at the local ASCS county office on SU-100, Requests for Sugarbeet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.172. If a preliminary request for a tentative farm share is filed, as provided in § 850.172, a fully-completed Form SU-100 shall be filed by April 26, 1966. However, requests for shares may be accepted after such date and shares may be established if the State committee determines that in any such case the farm operator was prevented from filing a completed Form SU-100 by such date because of illness, or other reason beyond his control, and requests may be accepted generally by the State committee after such date if acreage is available within the area allotment.

(d) *Establishment of individual proportionate shares for old-producer farms—(1) Farm bases—(i) Onawa Area.* The 1965-crop formula provided that a farm base would be determined on the basis of a formula giving 30 percent weighting to the average accredited acreage of the operator for the crop years 1962 and 1963 and a 70 percent weighting to the accredited acreage record of the operator in 1964 but not less than 90 percent of such 1964-crop accredited acreage record. The resultant farm bases were adjusted pro rata to the State

allocation less the appropriate set-asides to determine the initial shares. Such initial shares, subject to adjustment, became the established 1965-crop shares. For a 1966-crop farm operator, the 1966-crop farm base shall be the 1965-crop established share as adjusted by appeal. For a 1966-crop farm operator with an accredited acreage record in the base period who did not have a 1965-crop share established for his 1965-crop farm, the 1966-crop farm base shall be determined by applying the 1965-crop formula to such operator's accredited acreage record in the base period.

(ii) *Mason City Area.* The 1965-crop formula provided that a farm base would be determined on the basis of a formula giving 30 percent weighting to the average accredited acreage of the farm for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage record for the crop year 1964 but not less than 90 percent of such 1964-crop accredited acreage record. The resultant farm bases were adjusted pro rata to the area allotment less the appropriate set-asides to determine the initial share. Such initial shares, subject to adjustments, became the established 1965-crop shares. For a 1966-crop old-producer farm that is constituted the same as the 1965-crop farm, the 1966-crop farm base shall be the 1965-crop established share, as adjusted by appeal. The 1966-crop farm base for a farm that is constituted differently than the 1965-crop farm and for a farm with an accredited acreage record in the period 1962 through 1964 but for which a 1965 share was not established shall be determined pursuant to the applicable provisions of § 850.174.

(2) *Initial proportionate shares.* For both the Onawa and Mason City Area, the total of farm bases for old-producer farms as established pursuant to this paragraph, is less than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial shares shall be established from the farm bases as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages, and for all other farms, initial shares shall be computed by prorating to such farms, in accordance with their respective bases, the area allotment less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph, but not to exceed the acreage requested for each farm. The proration factor for the Mason City Area shall be 1.1565 and for the Onawa Area shall be 2.0474.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each allotment area, adjustments shall be made in initial shares for old producers so as to establish a share for each farm which is fair and equitable as compared with shares for all other farms in the area

by taking into consideration increased 1965-crop plantings because of acreages unused by other growers, availability and suitability of land, area of available fields, crop rotation practices, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers and any other acreage that the State committee determines shall be used for that purpose, shares shall be established in an equitable manner for farms to be operated during the 1966-crop year by new producers and for farms operated by students as test plots. The State committee has determined that a 50-acre share is the minimum acreage which is economically feasible to plant as a new-producer farm share in each area. Each area was allotted acreage to establish one new-producer share. In determining whether a farm for which a request is filed for a new-producer share may qualify for such a share, and to assist in establishing new-producer shares which are fair and equitable as to relative size among qualified farms, the county committee, subject to review by the State committee, shall rate each farm as provided in § 850.180 by taking into consideration availability and suitability of land, adequacy of drainage, the production experience of the operator, and the availability of production and marketing facilities and shall establish new-producer farm shares as provided therein.

(f) *Adjustments under appeals.* Within the acreage set-aside for appeals or reserved to correct errors, or available as unused acreage, adjustments in shares shall be made as determined under the provisions of Part 891 of this chapter following a request for reconsideration or an appeal filed in accordance with Part 780 of this title.

(g) *Adjustments because of redistribution of unused acreage.* Any acreage determined by the State committee during the 1966-crop season as available from underplanting or failure to plant or proportionate share acreage released by an operator prior to May 20, 1966, and approved by the county committee pursuant to Part 895 of this chapter and unused acreages from other sources shall be distributed to farms in the State whereon additional acreage may be used. Such distribution shall take into consideration the size of the initial share established for the farm, and the factors considered in adjusting initial shares as stated in paragraph (d) (3) of this section. The unused or unallotted acreage distributed to a farm shall not exceed the acreage that can be used on the farm. No acreage will be redistributed after September 1, 1966.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the share established for his farm on Form SU-103, Notice of Farm Proportionate Share—1966 Sugarbeet Crop,

even if the share established is "none." In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage or appeals, the farm operator shall be notified regarding the adjusted share on a Form SU-103 marked "revised." For each tentative share which is established, the person filing the request for such share shall be notified on a Form SU-103-B specifying that such tentative share does not constitute a farm share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Redetermination of proportionate share.* The share determined for any farm which is subdivided or becomes a part of another farm or farms shall be redetermined as provided in § 850.184.

(j) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of §§ 850.168 to 850.187.

STATEMENT OF BASES AND CONSIDERATIONS

This action sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Iowa State Committee for determining farm shares in Iowa for the 1966 crop of sugarbeets.

Iowa is divided into two allotment areas. The Mason City area consists of Cerro Gordo, Kossuth, Worth, Hancock, Winnebago, and Franklin Counties. The Onawa Area consists of Monona, Harrison, and Woodburg Counties. In establishing shares for old producers, the factors of "past production" and "ability to produce" sugarbeets are measured by applying a formula to the operator's accredited acreage record for the crop years 1962-64 in the Onawa Area and in the Mason City Area, by applying a formula to the accredited acreage of the farm for such 3-year period.

Farm shares for new producers are established as provided in § 850.180. Fifty-acre shares are determined to be minimum economic units for new-producer farms.

The bases and procedures for making adjustments in initial shares and for adjusting shares subsequently because of unused acreage are designed to provide a fair and equitable share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Dated: January 4, 1967.

FRED R. McLAIN,
Chairman, Agricultural Stabilization and Conservation Iowa State Committee.

Approved: January 26, 1967.

CHAS. M. COX,
Acting Deputy Administrator,
State and County Operations.

[F.R. Doc. 67-1107; Filed, Jan. 30, 1967; 8:48 a.m.]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Nevada Allotment Areas and Farm Proportionate Shares for 1966 Crop

Pursuant to the provisions of § 850.170 (30 F.R. 15403), the Agricultural Stabilization and Conservation Nevada State Committee has issued the bases and procedures for dividing the State into allotment areas and establishing individual farm shares for the 1966 sugarbeet crop from acreage allocated and from any unused acreage redistributed to Nevada. Copies of these bases and procedures are available for public inspection at the office of such committee at the U.S. Post Office Building, Room 222, South Virginia and Mill Streets, Reno, Nev., and at the offices of the Agricultural Stabilization and Conservation Committees in the sugarbeet producing counties of Nevada. These bases and procedures incorporate the following:

§ 850.206 Nevada.

(a) *Allotment areas.* Nevada shall be divided into three allotment areas. These areas shall be designated as Area I, Area II and Area III. Acreage allotments of 432.1, 1,078.2, and 762.7 acres, respectively, are established for these areas on the basis of a formula giving 30 percent weighting to the average accredited acreage for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the crop year 1964 for each area as a measure of "past production" and "ability to produce" sugarbeets, with pro rata adjustments to the State allocation.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from the State acreage allocation as follows: Twelve acres for new producers including farms operated by students as educational test plots, 12 acres for appeals, and 12 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm share shall be filed at the local ASCS county office on Form SU-100, Request for Sugarbeet Proportionate Share, under the conditions, and on or before the closing date for such filing as provided in § 850.172. If a preliminary request for a tentative farm share is filed, as provided in § 850.172, a fully completed Form SU-100 shall be filed by April 12, 1966. However, requests for shares may be accepted after such dates and shares may be established if the State committee determines that in any such case the farm operator was prevented from filing a completed Form SU-100 by such dates because of illness or other reasons beyond his control, and requests may be accepted generally by the State committee after such date if acreage is available within the area allotment.

(d) *Establishment of individual proportionate shares for old-producer farms—(1) Farm bases—(i) Area I and Area III.* The 1965-crop formula provided that a farm base would be determined on the basis of a formula giving a 30 percent weighting to the average accredited acreage for the farm for the

crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the farm for the crop year 1964. The resultant farm bases were adjusted pro rata to the area allotment less appropriate set-asides to determine the initial shares. Such initial shares, subject to adjustment, became the established 1965-crop shares. For a 1966-crop old producer farm constituted the same as in 1965 the 1966-crop farm base shall be the 1965 crop established share as adjusted by appeal. The 1966-crop farm base for a farm that is constituted differently than the 1965-crop farm and for a farm with an accredited acreage record in the base period 1962 through 1964 but for which a 1965-crop share was not established shall be determined pursuant to the applicable provisions of § 850.174.

(ii) *Area II.* The 1965-crop formula provided that a farm base would be determined on the basis of the personal accredited acreage record within the area of the 1965-crop farm operator. Farm bases were determined on the basis of a formula giving a 30 percent weighting to the average of the personal accredited acreage record within the area of such operator for the crop years 1962 and 1963 and a 70 percent weighting to such record for the crop year 1964. For a 1966-crop farm operated by a person who had a 1965-crop share established for his 1965-crop farm, the 1966-crop farm base shall be the 1965-crop farm operator's established share as adjusted by appeal. For a 1966-crop farm operated by a person with an accredited acreage record in the base period 1962 through 1964 but who did not have a 1965-crop share established for his 1965-crop farm the 1966-crop farm base shall be determined pursuant to the applicable provisions of § 850.174.

(2) *Initial proportionate shares.* For each area, the total of individual farm bases for old producer farms, as established pursuant to this paragraph, exceeds the area allotment. Accordingly, initial shares shall be established from the farm bases by prorating the area allotment to the farms in accordance with their respective bases, but not in excess of their requests. Notwithstanding the foregoing provisions of this subparagraph (2), no farm share shall be established at a level less than 12 acres unless a lesser amount is requested. The proration factor for each area shall be as follows: Area I—0.91181; Area II—0.98924; Area III—0.98924.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage in excess of requested acreages, adjustments shall be made in initial shares for old producers so as to establish a share for each farm which is fair and equitable as compared with shares for all other farms in the area by taking into consideration increased 1965-crop plantings because of acreages unused by other growers, availability and suitability of land, area of available fields, crop rotation practices, availability of irrigation water, adequacy of drainage, avail-

ability of production and marketing facilities, and the production experience of the operator.

(e) *Establishment of individual proportionate shares for new-producer farms.* The State committee has determined that a 12-acre share is the minimum acreage which is economically feasible to plant as a new producer farm share. Since only one share may be established within the acreage set aside for new producers no distribution of such acreage will be made. In determining whether a farm for which a request is filed for a new-producer share may qualify for such a share, and to assist in establishing a new-producer share which is fair and equitable as to relative size among qualified farms, the State committee shall rate each farm, as provided in § 850.180 by taking into consideration availability and suitability of land, availability of irrigation water, adequacy of drainage, the production experience of the operator, and the availability of production and marketing facilities, and shall establish a new-producer farm share as provided therein.

(f) *Adjustments under appeals.* Within the acreage set aside for appeals or reserved to correct errors, or available as unused acreage, adjustments in shares shall be made as determined under the provisions of Part 891 of this chapter following a request for reconsideration or an appeal filed in accordance with Part 780 of this title.

(g) *Adjustments because of redistribution of unused acreage.* Any acreage determined by the State committee during the 1966-crop season as available from underplanting or failure to plant or proportionate share acreage released by an operator prior to April 15, 1966 and approved by the county committee pursuant to Part 895 of this chapter and unused acreages from other sources shall be distributed to farms in the State whereon additional acreage may be used. Such distribution shall take into consideration the size of the initial share established for the farm, and the factors considered in adjusting initial shares as stated in paragraph (d) (3) of this section. The unused or unallotted acreage distributed to a farm shall not exceed the acreage that can be used on the farm. No acreage will be redistributed after September 1, 1966.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the share established for his farm on Form SU-103, Notice of Farm Proportionate Share—1966 Sugarbeet Crop, even if the acreage established is "none." In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals, or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted share on a Form SU-103 marked "revised". For each tentative share which is established, the person filing the request for such share shall be notified on a Form SU-103-B specifying that such tentative share does not constitute a farm share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Redetermination of proportionate share.* The share determined for any farm which is subdivided into, combined with, or becomes a part of another farm or farms shall be redetermined as provided in § 850.184.

(j) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of §§ 850.168 through 850.187.

STATEMENT OF BASES AND CONSIDERATIONS

This action sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Nevada State Committee for determining farm proportionate shares in Nevada for the 1966 crop of sugarbeets.

Nevada is divided into three areas. Area I consists of Churchill County, Area II consists of Pershing County and Area III consists of Washoe County. Informal relationships are maintained with grower and processor representatives. In establishing shares for old producer farms, the factors of "past production" and "ability to produce" sugarbeets are measured by establishing 1966 farm bases equal to the 1965 initial share for a farm constituted the same as in 1965, and in other cases in accordance with the same formula which was used in establishing an initial share for the 1965 crop.

Farm shares for new producers are established as provided in § 850.180. Twelve-acre shares are determined to be minimum economic units for new-producer farms.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals, are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Dated: January 11, 1967.

PERLIN H. HUNT,
Chairman, Agricultural Stabilization and Conservation Nevada State Committee.

Approved: January 26, 1967.

CHAS. M. COX,
Acting Deputy Administrator,
State and County Operations.

[F.R. Doc. 67-1108; Filed, Jan. 30, 1967; 8:48 a.m.]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

New York Farm Proportionate Shares for 1966 Crop

Pursuant to the provisions of § 850.170 (30 F.R. 15403), the Agricultural Stabilization and Conservation New York State Committee has issued the bases and procedures for establishing proportionate shares for individual farms for

the 1966 sugarbeet crop from acreage committed to New York pursuant to Parts 850 and 851 of this chapter. Copies of these bases and procedures are available for public inspection at the office of such committee at Room 416, Midtown Plaza Building, 700 East Water Street, Syracuse, N.Y., and at the offices of the Agricultural Stabilization and Conservation Committees in the sugarbeet producing counties of New York. The bases and procedures incorporate the following:

§ 850.210 New York.

(a) *Allotment area.* In the establishment of individual farm shares the State shall be one allotment area.

(b) *Set-asides of acreage.* Set-asides of acreage were not required under the provisions of § 850.173.

(c) *Requests for proportionate shares.* A request for each farm share shall be filed at the local ASCS county office on Form SU-100, Requests for Sugarbeet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.172. However, requests for shares may be accepted after such date and shares may be established if the State committee determines that in any such case the farm operator was prevented from filing a completed Form SU-100 by such date because of illness, or other reason beyond his control, and requests may be accepted generally by the State committee after such date if acreage is available within acreage allocated to the reserve locality in the State of New York pursuant to § 850.169(b).

(d) *Establishment of individual proportionate shares for all farms.* The share for a 1966-crop farm shall be established as provided in § 850.179(b).

(e) *Adjustments because of redistribution of unused acreage.* Any acreage determined by the State committee during the 1966-crop season as available from underplanting or failure to plant or proportionate share acreage released by an operator prior to May 31, 1966, and approved by the county committee pursuant to Part 895 of this chapter shall be distributed to farms in the State whereon additional acreage may be used. The unused acreage distributed to a farm shall not result in a share for the farm greater than the maximum acreage determined as provided in § 851.1(h) (2) of this chapter, as amended. No acreage will be distributed after September 15, 1966.

(f) *Notification of farm operators.* The farm operator shall be notified concerning the share established for his farm on Form SU-103, Notice of Farm Proportionate Share—1966 Sugarbeet Crop. In each case of approved adjustment, whether resulting from the release of acreage or the redistribution of unused acreage, the farm operator shall be notified regarding the adjusted share on a Form SU-103 marked "revised."

(g) *Redetermination of proportionate share.* The share determined for any farm which is subdivided or becomes a part of another farm or farms shall be redetermined as provided in § 850.184.

(h) *Determination provisions prevail.* The bases and procedures set forth in

this section are issued in accordance with and subject to the provisions of §§ 850.158 to 850.187.

STATEMENT OF BASES AND CONSIDERATIONS

This action sets forth the bases and procedures established by the Agricultural Stabilization and Conservation New York State Committee for determining farm proportionate shares in New York for the 1966 crop of sugarbeets.

A commitment of 29,500 acres was made to the reserve locality in New York commencing with the 1965 crop under the provisions of Parts 851 and 850 of this chapter (29 F.R. 12813, 30 F.R. 15403). Regulations in Part 850 do not require that set asides of acreage for new producers, adjustments and appeals be made from acreage committed to a reserve locality. The maximum proportionate share for any farm is the acreage which the State committee determines can be planted on the farm in consideration of availability and suitability of land and of sound rotation practices. The total of the shares established for all farms may not exceed 29,500 acres. The total acreage requested for shares did not exceed 29,500 acres.

Shares for all farms are established to coincide with the acreage contracted by the processor to be grown on the farm as the State committee determined that the operators with whom the processor contracted for acreage from the acreage commitment were selected by the processor on a fair and reasonable basis in consideration of the criteria stated in § 850.179(b).

The bases and procedures for adjusting shares because of unused acreage are designed to provide a fair and equitable share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Dated: January 11, 1967.

J. J. SUGDEN,
Chairman, Agricultural Stabilization and Conservation New York State Committee.

Approved: January 26, 1967.

CHAS. M. COX,
Acting Deputy Administrator,
State and County Operations.

[F.R. Doc. 67-1109; Filed, Jan. 30, 1967; 8:48 a.m.]

Chapter XI—Consumer and Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

PART 1205—COTTON RESEARCH AND PROMOTION

Subpart—Members of Cotton Board

Pursuant to authority contained in section 15 of the Cotton Research and

Promotion Act (sec. 15, 80 Stat. 285; 7 U.S.C. 2114), the regulations hereinafter set forth are hereby promulgated to be effective upon the date of their publication in the FEDERAL REGISTER.

The purpose of these new regulations is to implement the recently issued Cotton Research and Promotion Order (31 F.R. 16757) by: (1) Defining terms used in said regulations; (2) establishing the basis for determining representation on the Cotton Board for States entitled to more than one member on the Board; and (3) establishing procedures for the conduct of the caucus of certified cotton producer organizations in each State to nominate members of the Cotton Board. The regulations are as follows:

Subpart—Members of Cotton Board

- Sec.
1205.401 Definitions.
1205.402 Determination of Cotton Board membership.
1205.403 Nomination procedure.

AUTHORITY: The provisions of this subpart issued under sec. 15, 80 Stat. 285; 7 U.S.C. 2114.

§ 1205.401 Definitions.

(a) *Cotton Division*. "Cotton Division" means the Cotton Division of the Consumer and Marketing Service of the U.S. Department of Agriculture.

(b) *Director*. "Director" means the Director of the Cotton Division.

§ 1205.402 Determination of Cotton Board membership.

In determining whether any cotton-producing State is entitled to be represented by more than one member on the Cotton Board pursuant to § 1205.318, average annual production of upland cotton in terms of 500 pound gross weight bales for the 5 crop years 1961 through 1965 shall be used as the basis for determination of such additional members for terms of office beginning in calendar year 1967. Accordingly, for terms of office beginning in calendar year 1967, Texas is entitled to be represented on the Cotton Board by a total of five members, California by a total of two members, Mississippi by a total of two members, and each other cotton-producing State by one member each.

§ 1205.403 Nomination procedure.

The Director shall notify all certified cotton producer organizations within each cotton producing State of the location, date, and time of the caucus of such organizations pursuant to § 1205.320 for the purpose of making nominations for members and alternate members of the Cotton Board. The Director will designate a representative from the Cotton Division to attend the caucus meeting in each State. Each eligible cotton producer organization within each cotton-producing State shall be entitled to only one representative at the caucus for the purpose of nominating two qualified persons for each member and for each alternate member to be selected to represent cotton producers of such cotton-producing State on the Cotton Board. Such representative shall be (1) a cotton producer and resident of such State, (2) an officer or member of the

Board of Directors of such association, and (3) duly and unqualifiedly authorized in writing by such association to make nominations for such State on its behalf. The representative of the Director designated to attend the caucus meeting in each State shall ascertain the aforesaid qualifications of each representative to determine his eligibility to participate in said meeting and to make nominations. Each caucus shall be conducted as follows:

(a) The representative from the Cotton Division shall act as temporary chairman and shall explain the procedure for nominations and the duties of the Cotton Board.

(b) The representatives in attendance from the certified cotton producer organizations shall then select a chairman and a secretary.

(c) At each caucus there shall be presented for nomination and there shall be nominated not less than the number of nominees required under the provisions of §§ 1205.318, 1205.320, and 1205.402.

The Cotton Board will have many duties and responsibilities to fulfill in further implementing the provision of the Cotton Research and Promotion Order. In order to start the collection of the \$1 per bale assessments from producers at the beginning of the 1967 ginning season it is urgent that the Cotton Board be established and start functioning at the earliest practicable date. Therefore, it will be in the best interests of cotton producers and certified cotton producer organizations to have the benefit of these regulations on Cotton Board membership and nomination procedure immediately. Also, these regulations are primarily interpretative or procedural in nature. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553 (1966)), it is found upon good cause that notice and public procedure on these regulations are impracticable, unnecessary, and contrary to the public interest and good cause is found for making the regulations effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. This subpart shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: January 26, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-1110; Filed, Jan. 30, 1967; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1438—NAVAL STORES

Subpart—1967 Gum Naval Stores Price Support Loan Program

Statement with respect to the Gum Naval Stores Price Support Loan Program for the calendar year 1967, formulated by the Commodity Credit Corporation and the Agricultural Stabilization and Conservation Service (hereinafter referred to as "CCC" and "ASCS").

Sec.
1438.1636 General statement and administration.
1438.1637 Definitions.
1438.1638 Loan to ATFA.
1438.1639 Advances to producers.
1438.1640 Rate of advance to producers.
1438.1641 Maturity of loan.
1438.1642 Redemption by ATFA.
1438.1643 Net gains.
1438.1644 Right of CCC upon maturity.
1438.1645 Personal liability.

AUTHORITY: The provisions of this subpart issued under sec. 4(d), 62 Stat. 1070, sec. 5(a), 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054; 15 U.S.C. 714b, 15 U.S.C. 714c, 7 U.S.C. 1421, 1447.

§ 1438.1636 General statement and administration.

CCC and ASCS will make price support available to producers of gum naval stores during the calendar year 1967 through the American Turpentine Farmers Association Cooperative (hereinafter referred to as ATFA), under the terms and conditions in this statement. The Producer Associations Division, ASCS, will supervise the administration of the program. The Data Processing Center, Kansas City, Mo., will perform accounting functions.

§ 1438.1637 Definitions.

(a) "Eligible producer" means a producer who (1) is a member of ATFA in good standing under membership requirements approved by CCC (no producer who is otherwise eligible may be excluded from membership in ATFA), (2) is a cooperator in the 1967 Naval Stores Conservation Program of the U.S. Department of Agriculture or otherwise follows one or more forestry conservation practices established by State and Federal Forestry services, as determined by ATFA, (3) has made satisfactory arrangements to pay any indebtedness to the U.S. Department of Agriculture or any of its agencies, as evidenced by the debt records maintained by the Agricultural Stabilization and Conservation County Committees of the U.S. Department of Agriculture, and (4) has executed, and has not breached his obligations under, the Producer's Marketing Agreement (ATFA Form 1—1967), or any other similar agreement.

(b) "Eligible naval stores" means eligible rosin and the rosin content in eligible oleoresin.

(c) "Eligible oleoresin" means oleoresin (1) which was produced in 1967 in the United States by an eligible producer, (2) which is free and clear from all liens and encumbrances, (3) the rosin content in which has not been theretofore delivered for an advance under this or any similar program and in which the beneficial interest is and always has been in the producer, and (4) which will yield rosin of the grades and quality prescribed in paragraph (d) of this section.

(d) "Eligible rosin" means gum rosin which (1) was processed by the Olustee or a similar method from eligible oleoresin, (2) grades "K" or better, (3) is free and clear from all liens and encum-

branches, (4) has not previously been delivered for an advance under this or any similar program, and in which the beneficial interest is and always has been in the producer: *Provided*, That, when a producer's eligible oleoresin was commingled in the processing operation with oleoresin produced in the United States by other producers, the rosin tendered for advance by the producer, as representing the processed equivalent of his eligible oleoresin, will be deemed to be, if otherwise eligible, eligible rosin produced by such producer, (5) is packed to a net weight of 517 pounds, in eligible metal drums, (6) is transparent, (7) is free from visible foreign materials and contains no extraneous matter resulting from chemical or other treatment of the rosin, or of the oleoresin or the trees from which it came, and (8) conforms as to softening point to not less than Federal Specifications LLL-R-626b, to wit: 158 degrees Fahrenheit (American Society for Testing and Materials Method No. E-28-58T). Rosin must be federally inspected and weighed or the weights checked prior to delivery for an advance.

(e) "Eligible metal drums" means drums conforming to the specifications for metal drums approved by CCC, obtainable from and on file in the office of ATFA.

§ 1438.1638 Loan to ATFA.

Under a Loan Agreement, CCC will make a loan to ATFA which will enable ATFA to make price support advances or to make price support advances available to eligible producers on eligible naval stores. As security for such loan ATFA will pledge such naval stores to CCC. The loan will be in an amount equal to (a) the amount of the price support advances made by ATFA to producers, except that loans will be made only on full drums of eligible naval stores, (b) the administrative and operating expenses, approved by CCC, incurred by ATFA in making advances to producers and in making such advances available, and in the handling, preservation, and redemption of pledged naval stores, and (c) storage charges or other charges on pledged naval stores.

§ 1438.1639 Advances to producers.

ATFA will make advances to eligible producers on eligible naval stores only when such naval stores have been (a) processed (except where CCC and ATFA determine that unprocessed rosin content in oleoresin may be offered for advance), (b) placed in storage in the custody of an approved warehouseman who has entered into and is fully complying with a Warehouse Agreement (ATFA Form 2-1967) with ATFA, or in the custody of ATFA acting under a Storage Agreement with CCC, and (c) offered for advance on a Producer's Offer (ATFA Form 4). No warehouseman will be authorized to store unprocessed rosin except upon approval by CCC of ATFA's written recommendation therefor and written demonstration by ATFA that there exists an immediate and substantial need for such storage. If there are any liens or encumbrances on the naval

stores offered for advance, proper waivers are required on a Lienholders' Waiver and Agreement (ATFA Form 3). All processing charges, including the cost of the eligible metal drums for rosin, and all storage and other warehouse charges to the date of tender for advance will be borne by the producer.

§ 1438.1640 Rate of advance to producers.

ATFA will make advances to eligible producers on eligible rosin or rosin content only, based on the support level of \$35.60 per standard barrel (435 lbs. net weight each) of oleoresin (crude pine gum), processed basis. Although no advance is made on turpentine, an allowance is made for the estimated 1967 market value of the turpentine content in a barrel of oleoresin in determining the advance rate for rosin or rosin content. The price support advance rates on rosin are \$10.01 for grade WG, \$10.66 for grades X and WW, and \$9.21 for grades N, M, and K per hundred pounds net packed in eligible metal drums. CCC reserves the right to reduce rosin support rates if the actual turpentine market price during 1967 exceeds the allowance made for it in the support level for crude pine gum. Also, CCC may increase or decrease grade premiums and discounts whenever market conditions warrant. ATFA will advance to any eligible producer on the basis of the applicable advance rates in effect on the date of the applicable Producer's Offer.

§ 1438.1641 Maturity of loan.

The loan made by CCC to ATFA will be due and payable upon demand.

§ 1438.1642 Redemption by ATFA.

(a) ATFA's right to redeem naval stores pledged by ATFA to CCC shall be subject to the terms and conditions of the Loan Agreement and any amendments thereto. Redemption shall be made upon application to CCC therefor, prior to maturity of the loan, and upon payment of the redemption cost.

(b) The redemption cost will be determined by CCC and will be the amount outstanding under the Loan Agreement, including any unpaid accrued expenses and charges, plus interest, applied ratably to the naval stores to be redeemed. Any naval stores redeemed will not be thereafter offered for price support.

§ 1438.1643 Net gains.

ATFA will disburse in cash on a fair and equitable basis to participating producers all net gains, less cost of disbursements, resulting from ATFA's sale of redeemed naval stores, unless a disposition other than cash disbursement has been approved by CCC. For example, when net gains are insufficient to justify disbursement expenses, ATFA may, upon request to and approval of CCC, utilize such net gains for and in behalf of all of its producer-members.

§ 1438.1644 Right of CCC upon maturity.

Upon maturity and nonpayment of the loan, CCC will take title to any unredeemed naval stores, without a sale

thereof, and CCC will have no obligation to pay or account to ATFA for any market value which such naval stores may have in excess of the amount of the loan, plus interest and charges.

§ 1438.1645 Personal liability.

Any fraudulent representation by ATFA or the producer in the program documents will render it or him subject to criminal prosecution under applicable law, and personally liable for the amount by which the proceeds received upon the disposition of the naval stores involved are less than the amount of indebtedness incurred by ATFA with respect to such naval stores.

Effective date: Date of filing with Office of the Federal Register.

Signed at Washington, D.C., on January 24, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[P.R. Doc. 67-1093; Filed, Jan. 30, 1967;
8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that the position of Deputy Assistant Secretary for Water Pollution Control is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER subparagraph (31) is added to paragraph (a) of § 213.3312 as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* * * *

(31) One Deputy Assistant Secretary for Water Pollution Control.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[P.R. Doc. 67-1073; Filed, Jan. 30, 1967;
8:45 a.m.]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show that the position of Special Assistant to the Administrator for Advisory Councils is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (jj) is added to § 213.3332 as set out below.

§ 213.3332 Small Business Administration.

(jj) One Special Assistant to the Administrator for Advisory Councils.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 67-1097; Filed, Jan. 30, 1967;
8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket Nos. 7201, 7493; Amdt. No. 61-27]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Flight Maneuvers

Correction

In F.R. Doc. 66-269, appearing at page 260 of the issue for Wednesday, January 11, 1967, in Part 61, Appendix A, Item V, *Landings and Approaches to Landings*, the first sentence of paragraph (h) should read as follows:

(h) For a single powerplant rating only, unless the applicant holds a commercial pilot certificate, he must accomplish accuracy approaches and spot landings that include a series of three landings from an altitude of 1,000 feet or less, with the engine throttled and 180 degree change in direction.

[Airspace Docket No. 66-EA-96]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On page 16470 of the FEDERAL REGISTER for December 23, 1966, the Federal Aviation Agency published proposed regulations which would alter the Manchester, N.H., control zone.

Interested parties were given 20 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t. February 1, 1967.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on January 13, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Manchester, N.H., control zone as follows:

1. In the text following the words, "Manchester RBN" add "(42°52'12" N., 71°23'52" W.)."

2. In the text delete the sentence "On and after 0001 e.s.t., February 1, 1967, the zone will be effective from 0600 to 2300 hours, local time, daily." and insert in lieu thereof the sentence, "On and after

0001 e.s.t., April 1, 1967, the zone will be effective from 0700 to 2300 hours, local time, daily."

[F.R. Doc. 67-1070; Filed, Jan. 30, 1967;
8:45 a.m.]

[Airspace Docket No. 67-SO-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Charlotte, N.C., control zone.

The Charlotte control zone is described in § 71.171 (32 F.R. 2071). A portion of the control zone is described as " * * * and within a 1.5-mile radius of the Carpenter Airport (latitude 35°08'03" N., longitude 80°57'51" W.) * * * "

The operator has requested that Carpenter Airport be excluded from the Charlotte control zone. Because of this request, it is necessary to alter the control zone by deleting the portion described above.

Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 30, 1967, as hereinafter set forth.

In § 71.171 (32 F.R. 2071) the Charlotte, N.C., control zone is amended by deleting: " * * * and within a 1.5-mile radius of the Carpenter Airport (latitude 35°08'03" N., longitude 80°57'51" W.) * * * "

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on January 19, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-1071; Filed, Jan. 30, 1967;
8:45 a.m.]

[Airspace Docket No. 66-EA-108]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways and Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to change the name of the Poughkeepsie, N.Y., VORTAC to the Pawling, N.Y., VORTAC. This action is taken to eliminate pilot confusion resulting from associating the Poughkeepsie VORTAC with approach and departure procedures at the Dutchess County Airport at Poughkeepsie.

Since this change is editorial in nature and will not assign or reassign the use of navigable airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical

charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 30, 1967, as hereinafter set forth.

1. Section 71.123 (32 F.R. 2009) is amended as follows:

a. In V-39, V-58, V-91, V-93, V-106, V-123, V-146, and V-487 whenever the name "Poughkeepsie" appears the name "Pawling" is substituted therefor.

2. In § 71.203 (32 F.R. 2275) "Poughkeepsie, N.Y." is deleted and "Pawling, N.Y." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 23, 1967.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 67-1072; Filed, Jan. 30, 1967;
8:45 a.m.]

[Airspace Docket No. 66-CE-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On December 17, 1966, F.R. Doc. No. 66-13572 was published in the FEDERAL REGISTER (31 F.R. 16200) and in part designated floors on a segment of V-2 N alternate from Helena, Mont., 12 miles 12 AGL, 10 miles 10,500 feet MSL, 115 MSL INT Helena 089° and Billings, Mont., 301° radials, 54 miles 100 MSL, 12 AGL Billings. The first increment of mileage should read 21 miles in lieu of 12 miles, and the 10,500 feet MSL floor should read 105 MSL. In addition, the Billings radial of the N alternate between Billings and Miles City, Mont., should be 057° in lieu of 055°. These actions are effective March 2, 1967. Subsequent to publication of the document, it was determined that eastbound aircraft en route along V-2 N may be cleared to descend to 7,000 feet MSL after passing Baxter INT. Accordingly, the floor on the segment of V-2 N east of Baxter should be lowered from 10,000 feet MSL to 1,200 feet AGL to provide for air traffic service to aircraft at this lower altitude. Such actions are taken herein.

Since these actions are corrective in nature and in the interest of safety, the Administrator has determined that notice and public procedure thereon are impractical and that they may be made effective immediately.

In consideration of the foregoing, F.R. Doc. No. 66-13572 (31 F.R. 16200), Item I is amended, effective immediately as hereinafter set forth.

1. In V-2 all between "12 AGL Billings, Mont.," and "12 AGL to Billings," is deleted and "including an N alternate from Helena, 21 miles 12 AGL, 10 miles 105 MSL, 115 MSL INT Helena 089° and Billings 301° radials, 35 miles 100 MSL, 12 AGL to Billings," is substituted therefor, and "Billings 055° and Miles

City 269° radials;" is deleted and "Billings 057° and Miles City 269° radials;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 23, 1967.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 67-1074; Filed, Jan. 30, 1967;
8:45 a.m.]

[Airspace Docket No. 66-WE-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

F.R. Doc. No. 67-66 published in the FEDERAL REGISTER on January 5, 1967 (32 F.R. 47) in part established a floor on a segment of V-23 as follows: "12 AGL INT Fresno 322° and Linden, Calif., 140° radials, 10 miles, 12 AGL; 6-mile wide, 12 AGL Linden; * * *." This action will become effective March 2, 1967. Subsequent to the publication of this document, it was determined that precise mathematical calculations indicated that the value of the Linden 140° True radial should be 141° True. The use of this radial would eliminate a slight dog leg and form a direct airway segment between Fresno and Linden. Since the change of the radial 1 degree would not be of particular interest to the public, but would simplify navigation on this segment, corrective action is taken herein.

Since the amendment accomplishes a minor alteration of a radial in which the public is not particularly interested, notice and public procedure hereon is unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, in F.R. Doc. No. 67-66 (32 F.R. 47), Item No. 2 is amended, effective immediately, as hereinafter set forth.

2. In V-23 "12 AGL INT Fresno 322° and Linden, Calif., 140° radials, 10 miles, 12 AGL; 6-mile wide, 12 AGL Linden;" is deleted and "51 miles, 12 AGL; 6-mile wide, 12 AGL Linden, Calif.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 23, 1967.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 67-1075; Filed, Jan. 30, 1967;
8:45 a.m.]

[Airspace Docket No. 66-EA-83]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Federal Airway Segment

On November 17, 1966, a notice of proposed rule making was published in the

FEDERAL REGISTER (31 F.R. 14654) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke VOR Federal airway No. 260 north alternate segment between Charleston, W. Va., and Rainelle, W. Va.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended 0001 e.s.t., March 30, 1967, as hereinafter set forth.

In § 71.123 (32 F.R. 2009) V-260 is amended by deleting "including a 12 AGL N alternate via INT Charleston 083° and Rainelle 317° radials".

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 23, 1967.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[F.R. Doc. 67-1076; Filed, Jan. 30, 1967;
8:45 a.m.]

[Airspace Docket No. 66-SO-87]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area/ Military Climb Corridor

The purpose of this amendment to Part 73 is to revoke the Charleston, S.C. (Charleston AFB/Municipal Airport), Restricted Area/Military Climb Corridor R-6003.

The U.S. Air Force has stated that current procedures in effect for the Charleston AFB provide excellent service with minimal delays to interceptor operations and that the requirement for the restricted area/military climb corridor no longer exists.

Since this restricted area/military climb corridor was designated solely for use of the military, revocation thereof will reduce the burden on the public. Therefore, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days. In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.60 (32 F.R. 2330), R-6003 Charleston, S.C. (Charleston AFB/Municipal Airport), Restricted Area/Military Climb Corridor is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on January 23, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-1077; Filed, Jan. 30, 1967;
8:45 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 374-67]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart 0—Administrative Division

VESTING OF UNCLAIMED PROPERTY

Under and by virtue of the authority vested in me by delegations from the Administrator of General Services (16 F.R. 7335, 7811), sections 301 and 302 of Title 5 of the United States Code, and section 510 of Title 28 of the United States Code, § 0.80 of Part 0 of Title 28 of the Code of Federal Regulations is hereby amended to read as follows:

§ 0.80 Authority with respect to certain personal property.

The Assistant Attorney General for Administration is authorized to exercise the power and authority vested in the Attorney General by the Administrator of General Services (16 F.R. 7335, 7811) to take final action with respect to certain unclaimed privately owned personal property (including abandoned property) of an estimated value of \$100 or less, and cash or negotiable instruments not to exceed \$500.00.

The amendment made by this order shall be effective upon the date of its publication in the FEDERAL REGISTER.

Dated: January 20, 1967.

RAMSEY CLARK,
Acting Attorney General.

[F.R. Doc. 67-1068; Filed, Jan. 30, 1967;
8:45 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (ALSO LABOR STANDARDS PROVISIONS APPLICABLE TO NONCONSTRUCTION CONTRACTS SUBJECT TO CONTRACT WORK HOURS STANDARDS ACT)

Eniwetok Atoll, Kwajalein Atoll, and Johnston Island

Pursuant to section 105 of the Contract Work Hours Standards Act (40 U.S.C. 331) and Secretary's Order No. 32-63 (29 F.R. 118), I hereby amend 29 CFR 5.14 (b) (5) to read as set forth below.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) which require notice of proposed rule making, opportunity for public participation and delay in effective date are not applicable because this rule involves

only matters that relate to public contracts. I do not believe that such procedures will serve a useful purpose here. Accordingly, this amendment shall become effective February 1, 1967.

The new 29 CFR 514(b)(5) reads as follows:

§ 514 Limitations, variations, tolerances, and exemptions under the Contract Work Hours Standards Act.

(b) *Exemptions.* Pursuant to section 105 of the Contract Work Hours Standards Act, the following classes of contracts are found exempt from all provisions of that Act in order to prevent injustice, undue hardship, or serious impairment of Government business:

(5) Contract work performed in a workplace within a foreign country or within territory under the jurisdiction of the United States other than the following: A State of the United States; the District of Columbia; Puerto Rico; the Virgin Islands; Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act (ch. 345, 67 Stat. 462); American Samoa; Guam; Wake Island; Eniwetok Atoll; Kwajalein Atoll; Johnston Island; and the Canal Zone.

(40 U.S.C. 331)

Signed at Washington, D.C., this 23d day of January 1967.

CHARLES DONAHUE,
Solicitor of Labor.

[F.R. Doc. 67-1087; Filed, Jan. 30, 1967; 8:46 a.m.]

**Chapter V—Wage and Hour Division,
Department of Labor**

PART 519—EMPLOYMENT OF FULL-TIME STUDENTS AT SPECIAL MINIMUM WAGES

On January 7, 1967, notice of proposed rule making regarding a revision of 29 CFR Part 519 to adapt the part to amendments in the authorizing statute was published in the *FEDERAL REGISTER* (32 F.R. 148). Much comment has been received which deserves further consideration. So that there will be a valid basis for issuing certificates, however, for effect on and after February 1, 1967, the effective date of the statutory amendment, it is necessary to, and I do hereby, adopt the revision so proposed, effective immediately, subject only to the changes enumerated below. The comments received responsive to the proposal will be given the further consideration they deserve with a view to prompt action in making any needed amendment to 29 CFR Part 519 as fully as though there had been opportunity to give this measure of consideration prior to adopting the proposal.

The changes are as follows:

1. In the last sentence of paragraph (b) of § 519.1, the word "and" is inserted before the reference "519.5(b)," and the

word and reference "and 519.6(c)(2)" are deleted.

2. In paragraph (c)(1) of § 519.6, the words "in any retail or service establishment" are deleted.

Signed at Washington, D.C., this 25th day of January 1967.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour
and Public Contracts Divisions,
U.S. Department of Labor.

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| Sec. | |
| 519.1 | Applicability of the regulations in this part. |
| 519.2 | Definitions. |
| 519.3 | Application for a full-time student certificate. |
| 519.4 | Procedure for action upon an application. |
| 519.5 | Conditions governing issuance of full-time student certificates. |
| 519.6 | Terms and conditions of employment under full-time student certificates. |
| 519.7 | Records to be kept. |
| 519.8 | Amendment or replacement of a full-time student certificate. |
| 519.9 | Reconsideration and review. |
| 519.10 | Amendment or revocation of the regulations in this part. |

AUTHORITY: The provisions of this Part 519 issued under secs. 11 and 14, 52 Stat. 1088; sec. 11, 75 Stat. 74; secs. 501 and 602, 80 Stat. 843, 844.

§ 519.1 Applicability of the regulations in this part.

(a) *Statutory provisions.* Under section 14 of the Fair Labor Standards Act of 1938, as amended, and the authority and responsibility delegated to him by the Secretary of Labor (15 F.R. 3290), the Administrator of the Wage and Hour and Public Contracts Divisions is authorized and directed, to the extent necessary in order to prevent curtailment of opportunities for employment, to provide by regulation or order for the employment of full-time students regardless of age but in compliance with applicable child labor laws on a part-time basis in retail or service establishments and in agriculture (not to exceed 20 hours in any workweek) or on a part-time or a full-time basis during school vacations, under special certificates issued pursuant to regulations promulgated by him at a wage rate not less than 85 per centum of the minimum wage applicable under section 6 of the Act, except that the proportion of student hours of employment to total hours of employment of all employees in any retail or service establishment may not exceed the proportion established in a detailed formula provided in section 14. Before a certificate of this type is issued, either for employment in a retail or service establishment or for employment in agriculture, the Administrator must find that such employment will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under such certificates.

(b) *Source of limitations.* Some of the limitations expressed in this part are necessary to confine the certificates to those authorized by the formula referred

to in paragraph (a) of this section. Special minimum wages on a broader basis than that expressed in §§ 519.4 (e), (f), and (g), and 519.5 (a), (c), (d), (e), and (f) are found to be not necessary to prevent curtailment of opportunities for employment. I cannot find that special minimum wages for employment proscribed by the limitations expressed in §§ 519.4 (e), (f), and (g), and 519.5 (b), (c), (d), and (e) will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed pursuant to certificates issued under this part.

§ 519.2 Definitions.

(a) *Full-time students.* A "full-time student" for the purpose of this part is defined as a student who receives primarily daytime instruction at the physical location of a bona fide educational institution, in accordance with the institution's accepted definition of a full-time student, and who is at least 14 years of age. A full-time student retains that status during Christmas, summer, and other vacations. An individual who was such a student immediately prior to vacation will be presumed not to have discontinued such status during vacation if local law requires his attendance at the end of the vacation. In the absence of such requirement, his status during vacation will be governed by his intention as last communicated to his employer. The term "full-time student" does not include a student learner covered by a certificate issued under Part 520 of this chapter.

(b) *Bona fide educational institution.* A "bona fide educational institution" is ordinarily an accredited institution. However, a school which is not accredited may be considered a "bona fide educational institution" in exceptional circumstances, such as when the school is too recently established to have received accreditation.

(c) *Outside of their school hours.* "Outside of their school hours" refers to periods outside the scheduled hours of instruction of the individual student.

(d) *Retail or service establishment.* "Retail or service establishment" means a retail or service establishment as defined in section 13(a)(2) of the Fair Labor Standards Act. The statutory definition is interpreted in Part 779 of this chapter.

(e) *Base year.* The phrase "base year" shall mean:

(1) Except as provided in subparagraph (2) of this paragraph the base year for a retail or service establishment shall be the 12-month period preceding May 1, 1961.

(2) In the case of a farm or a retail or service establishment whose employees (other than employees engaged in commerce or in the production of goods for commerce) are covered by the Fair Labor Standards Act of 1938 as amended, for the first time on or after February 1, 1967, the base year shall be the 12-month period immediately prior to February 1, 1967.

(3) In the case of a farm coming into existence after February 1, 1966 or a retail or service establishment coming into existence after May 1, 1960 or a farm or a retail service establishment for which records of student hours worked are not available, the base year shall be the 12-month period provided in subparagraph (1) or (2) of this paragraph, whichever is applicable, in (i) similar retail or service establishments of the same employer in the same general metropolitan area in which the new establishment is located, (ii) similar retail or service establishments of the same employer in the same or nearby counties if the new establishment is not in a metropolitan area, or (iii) other farms or retail or service establishments, as the case may be, of the same general character operating in the community or the nearest comparable community.

(f) *Base period.* (1) The base period for retail or service establishments whose base year is provided in subparagraph (1) or (2) of paragraph (e) of this section shall be the corresponding calendar or fiscal month of the base year which corresponds to the month of full-time student certificated employment for which a base period comparison is required.

(2) The base period for any farm and the base period for a retail or service establishment whose base year is defined in subparagraph (3) of paragraph (e) of this section shall be the base year.

§ 519.3 Application for a full-time student certificate.

(a) Whenever the employment of full-time students working outside of school hours in agriculture or in any retail or service establishment at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938 is believed to be necessary to prevent curtailment of opportunities for employment and employment of them will not create a substantial probability of reducing the full-time opportunities of the other workers, an application for a certificate authorizing such employment may be filed by their employer with the appropriate Regional or District Office of the Wage and Hour and Public Contracts Divisions. Such application shall be signed by an authorized representative of the employer.

(b) The application must be filed in duplicate on official forms or exact copies thereof. The forms are available at the offices mentioned in paragraph (a) of this section. The application must contain the information as to the type of products sold or services rendered by the establishment, base year data on occupations, and, in cases of retail or service establishments, hours of employment, and other information for which request is made on the form.

(c) Separate application must be made for each farm or establishment in which authority to employ full-time students at special minimum wage rates is sought.

(d) Application for renewal of a certificate shall be made on the same type of form as is used for a new application.

No certificate in effect shall expire until action on such an application shall have been finally determined, provided that such application has been properly executed, and is received by the office specified in paragraph (a) of this section not less than 15 nor more than 30 days prior to the expiration date. A final determination means either the initial grant, denial, or withdrawal of such application. A properly executed application is one which fully and accurately contains the information required on the form, and the required certification by an authorized representative of the employer.

§ 519.4 Procedure for action upon an application.

(a) Upon receipt of an application for a certificate, the officer authorized to act upon such application shall issue a certificate if the terms and conditions specified in this part are satisfied. To the extent he deems appropriate, the authorized officer may provide an opportunity to other interested persons to present data, views, or argument on the application prior to granting or denying a certificate.

(b) If a certificate is issued, there shall be published in the FEDERAL REGISTER a general statement of the terms of such certificate together with a notice that, pursuant to § 519.9, for fifteen (15) days following such publication any interested person may file a written request for reconsideration or review.

(c) If a certificate is denied, notice of such denial shall be sent to the employer, stating the reason or reasons for the denial. Such denial shall be without prejudice to the filing of any subsequent application.

(d) Neither oppressive child labor as defined in section 3(1) of the Act and regulations issued under the Act nor any other employment in violation of a Federal, State, or local child labor law or ordinance shall come within the terms of any certificate issued under this part.

(e) Full-time students shall not be permitted to work at special minimum wages for more than 8 hours a day, nor more than 40 hours a week when school is not in session, nor more than 20 hours a week when school is in session, except that when a full-day school holiday occurs on a day when the establishment is open for business, the weekly limitation on the maximum number of hours which may be worked shall be increased by 8 hours for each such holiday but in no event shall the 40-hour limitation be exceeded. Whenever a full-time student is employed for more than 20 hours in any workweek in conformance with this paragraph, the employer shall note in his payroll records that school was not in session during all or part of that workweek.

(f) Full-time students shall be employed at special minimum wages only in occupations of the same general classes as those in which the establishment employed full-time students (as defined in § 519.2(a)) at wages below \$1 per hour in the base period (or at wages below \$1.30 per hour in the base period

for a retail or service establishment whose employees are subject to the minimum wage provisions of the act for the first time on February 1, 1969, as a result of the Fair Labor Standards Amendments of 1966), except as provided in § 519.6(e).

(g) No full-time student shall be hired under a full-time student certificate while abnormal labor conditions, such as a strike or lockout, exist in the establishment.

(h) No provision of any full-time student certificate shall excuse noncompliance with higher standards applicable to full-time students which may be established under the Walsh-Healey Public Contracts Act, the McNamara-O'Hara Service Contract Act, or any other Federal law, State law, local ordinance, or union or other agreement.

§ 519.5 Conditions governing issuance of full-time student certificates.

Certificates authorizing the employment of full-time students at special minimum wage rates shall not be issued unless the following conditions are met:

(a) Full-time students are available for employment at special minimum rates; the granting of a certificate is necessary in order to prevent curtailment of opportunities for employment.

(b) The employment of full-time students will not create a substantial probability of reducing the full-time employment opportunities for persons other than those employed under such certificates.

(c) Abnormal labor conditions such as a strike or a lockout do not exist at the farm or establishment for which a full-time certificate is requested.

(d) The base year data given on the application is accurate and the records on which it was based are available.

(e) The farms or establishments on whose base year experience the applicant relies meet the requirements of § 519.2(e).

(f) There are no serious outstanding violations of the provisions of a full-time student certificate previously issued to the employer, nor have there been any serious violations of the Fair Labor Standards Act (including Child-Labor Regulation No. 3 and the Hazardous Occupations Orders published in Part 1500 of this title) which provide reasonable grounds to conclude that the terms of a certificate may not be complied with, if issued.

§ 519.6 Terms and conditions of employment under full-time student certificates.

(a) A full-time student certificate will not be issued for a period longer than 1 year, nor will it be issued retroactively. It shall specify its effective and expiration dates. A copy of the certificate shall be posted during its effective period in a conspicuous place or places in the establishment or at the farm readily visible to all employees, for example, adjacent to the time clock or on the bulletin board used for notices to the employees.

(b) Full-time students may not be employed under a certificate at less than 85

percent of the minimum wage applicable under section 6 of the Act.

(c) (1) During any month (regardless of whether the base period is a month or a year) in which full-time students are to be employed at special minimum wages the percentage derived by the total number of hours worked by full-time students at special minimum wages divided by the total number of hours worked by all employees shall not exceed the same percentage computed for the base period, comparing total hours worked by full-time students at less than \$1 per hour with total hours for all employees.

(2) For example, in retail establishment A, with a base year as defined in § 519.2(e)(1), full-time students employed at less than \$1 worked 900 hours in July 1960 and the total hours of employment of all employees in the establishment in that month were 10,000. The percentage of full-time student hours at less than \$1 an hour to all hours of employment is therefore 9 percent. In July 1968, if the hours of employment of Establishment A are 12,000, then not more than 9 percent or 1,080 of these hours may be compensated at special minimum wages for full-time students.

(d) An overestimate of total hours of employment of all employees in the establishment for a current month resulting in the employment of the full-time students in excess of the hours authorized in paragraph (c) of this section may be corrected by compensating them for the difference between the special minimum wages actually paid and the applicable minimum under section 6 of the Act for the excess hours. This additional compensation shall be paid on the regular payday next after the end of the period.

(e) Where unusual conditions are demonstrated, a farm or retail or service establishment may be authorized by certificate to exceed the limitations contained in § 519.4(f).

(f) Full-time students shall be employed only outside of their school hours.

§ 519.7 Records to be kept.

(a) The employer shall designate each worker employed as a full-time student under a full-time student certificate at special minimum wages, as provided under Part 516 of this chapter.

(b) (1) In addition to the records required under Part 516 of this chapter and this part, the employer shall keep the records specified in subparagraphs (2) and (3) of this paragraph specifically relating to full-time students employed at special minimum wages.

(2) The employer shall obtain at the time of hiring and keep in his records information from the school attended that the employee receives primarily daytime instruction at the physical location of the school in accordance with the school's accepted definition of a full-time student.

(3) The employer operating any farm or retail or service establishment shall

maintain records of the monthly hours of employment of full-time students at special minimum wages and of the total hours of employment during the month of all employees in the establishment, who, in cases of employment in agriculture, do not come within one of the other exemptions from the minimum wage provisions of the Act. The records shall show the total hours worked in the establishment by all full-time students of the type defined in § 519.2(a) at less than the minimum wage otherwise applicable under the Act, and the total hours of employment of all employees in the establishment, to whom, in cases of employment in agriculture, the minimum wage provision of the Act applies. They shall be based on payroll or other available records such as those used for social security and withholding income taxes.

(c) The records required in this section, including a copy of any full-time student certificate issued, shall be kept for a period of 3 years at the place and made available for inspection, both as provided in Part 516 of this chapter.

§ 519.8 Amendment or replacement of a full-time student certificate.

In the absence of an objection by the employer (which may be resolved in the manner provided in Part 528 of this chapter) the authorized officer upon his own motion may amend the provisions of a certificate when it is necessary by reason of the amendment of these regulations, or may withdraw a certificate and issue a replacement certificate when necessary to correct omissions or apparent defects in the original certificate.

§ 519.9 Reconsideration and review.

(a) Within 15 days after being informed of a denial of an application for a full-time student certificate or within 15 days after FEDERAL REGISTER publication of a statement of the terms of the certificate granted, any person aggrieved by the action of an authorized officer in denying or granting a certificate may: (1) File a written request for reconsideration thereof by the authorized officer who made the decision in the first instance or (2) file with the Administrator a written request for review.

(b) A request for reconsideration shall be accompanied by a statement of the additional evidence which the applicant believes may materially affect the decision and a showing that there were reasonable grounds for failure to present such evidence in the original proceedings.

(c) Any person aggrieved by the reconsideration determination of an authorized officer may, within 15 days after such determination, file with the Administrator a written request for review.

(d) A request for review shall be granted where reasonable grounds for the review are set forth in the request.

(e) If a request for reconsideration or review is granted, the authorized officer or the Administrator may, to the extent he deems it appropriate, afford other interested persons an opportunity to present data, views, or argument.

§ 519.10 Amendment or revocation of the regulations in this part.

The Administrator may at any time upon his own motion or upon written request of any interested person or persons setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present data, views, or argument, amend or revoke any of the regulations in this part.

[F.R. Doc. 67-1096; Filed, Jan. 30, 1967; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket Nos. 14895 etc.]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Memorandum Opinion and Order; Correction

In the matter of amendment of Subpart L, Part 91, to adopt rules and regulations to govern the grant of authorizations in the Business Radio Service for microwave stations to relay television signals to community antenna systems, Docket No. 14895; amendment of Subpart I, Part 21, to adopt rules and regulations to govern the grant of authorizations in the Domestic Public Point-to-Point Microwave Radio Service for microwave stations used to relay television broadcast signals to community antenna television systems, Docket No. 15233; amendment of Parts 21, 74, and 91 to adopt rules and regulations relating to the distribution of television broadcast signals by community antenna television systems, and related matters, Docket No. 15971 (RM Nos. 636, 672, 742, 755, and 766); amendment of § 74.1103 requirements relating to distribution of television signals by community antenna television systems, RM 1017; amendment of § 74.1107(a) of the Commission's rules and regulations, carriage of distant signals in top 100 markets, RM 1025.

In the Memorandum Opinion and Order in the above-entitled matter, FCC 67-34, issued on January 19, 1967, published in the FEDERAL REGISTER on January 25, 1967, 32 F.R. 915, § 74.1105 of the rules in Appendix B is corrected to include the following Note, which was contained in the section prior to its amendment but was inadvertently omitted from the end of the section:

NOTE 1: As used in § 74.1105, the term "predicted Grade B contour" means the field intensity contour defined in § 73.683(a) of this chapter, the location of which is determined exclusively by means of the calculations prescribed in § 73.684 of this chapter.

Released: January 26, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-1100; Filed, Jan. 30, 1967; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Requirement for Reporting Certain Information With Respect to Employees on Forms W-3 and W-2

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to require the reporting by employers of certain information with respect to employees on Forms W-3 and W-2, the Income Tax Regulations (26 CFR Part 1) under sections 6041, 6052, 6071, and 6091 of the Internal Revenue Code of 1954 are amended as follows:

PARAGRAPH 1. Section 1.6041-1 is amended by revising paragraphs (a) (3) and (g) to read as follows:

§ 1.6041-1 Return of information as to payments of \$600 or more.

(a) General rule. . . .

(3) Prescribed form. The return required by subparagraph (1) or (2) of this paragraph shall be made on Forms 1099 and 1096 except that (i) the return with respect to distributions to beneficiaries of a trust or of an estate shall be made on Form 1041, and (ii) the return with respect to certain payments of compensation to an employee by his employer shall be made on Forms W-3 and W-2 under the provisions of § 1.6041-2 (relating to return of information as to

payments to employees). Where Form 1099 is the required form, a separate Form 1099 shall be furnished for each person to whom payments described in subdivision (i), (ii), or (iii) of subparagraph (1) or (2) of this paragraph are made. For time and place for filing Forms 1099 and 1096, see § 1.6041-6.

(g) Payments made by United States or a State. Returns on—

(1) Forms 1099 and 1096, and

(2) Forms W-3 and W-2 (when made under the provisions of § 1.6041-2)

of payments made by the United States, or a State, or political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, shall be made by the officer or employee of the United States, or of such State, or political subdivision, or of the District of Columbia, or of such agency or instrumentality, as the case may be, having control of such payments or by the officer or employee appropriately designated to make such returns.

PAR 2. Section 1.6041-2 is amended to read as follows:

§ 1.6041-2 Return of information as to payments to employees.

(a) Calendar years after 1965—(1) In general. Wages, as defined in section 3401, paid to an employee are required to be reported on Form W-2. (See §§ 31.6011(a)-4 and 31.6011(a)-5 of this chapter (Employment Tax Regulations).) For calendar years after 1965, all other payments of compensation, including the cash value of payments made in any medium other than cash, to an employee by his employer in the course of the trade or business of the employer must also be reported on Form W-2 if the total of such payments and the amount of the employee's wages (as defined in section 3401), if any, equals \$600 or more in a calendar year. For example, if a payment of \$700 was made to an employee and \$400 thereof represents wages subject to withholding under section 3402 and the remaining \$300 represents compensation not subject to withholding, such wages and compensation must both be reported on Form W-2. A separate Form W-2 shall be furnished for each employee for whom a return must be made. In a case where, with respect to the same employee, an employer must make a return on Form W-2 under this paragraph and also under § 31.6011(a)-4 or § 31.6011(a)-5 of this chapter (Employment Tax Regulations), or under § 1.6052-1 (relating to returns regarding payment of wages in the form of group-term life insurance), such employer must make such returns on the same Form W-2.

(2) Transmittal form. The transmittal form for a return on Form W-2

made pursuant to the provisions of this paragraph shall be Form W-3. In a case where an employer must file a Form W-3 under this paragraph and also under § 31.6011(a)-4 or § 31.6011(a)-5 of this chapter (Employment Tax Regulations), the Form W-3 filed under such § 31.6011(a)-4 or § 31.6011(a)-5 shall also be used as the transmittal form for a return on Form W-2 made pursuant to the provisions of this paragraph.

(3) Time for filing—(i) General rule. In a case where an employer must file a Form W-3 under this paragraph and also under § 31.6011(a)-4 or § 31.6011(a)-5 of this chapter (Employment Tax Regulations), the time for filing the return under this paragraph shall be the same as the time (including extensions thereof) for filing such Form W-3 under such § 31.6011(a)-4 or § 31.6011(a)-5.

(ii) Exception. In a case where an employer is not required to file a Form W-3 under § 31.6011(a)-4 or § 31.6011(a)-5 of this chapter (Employment Tax Regulations), returns made under this paragraph for any calendar year shall be filed on or before February 28 of the following year.

(iii) Cross references. For the time for filing certain returns and other documents, see § 31.6071(a)-1 of this chapter (Employment Tax Regulations). For extensions of time for filing returns, see section 6081 and the regulations thereunder.

(4) Place for filing. The returns required under this paragraph shall be filed pursuant to the rules contained in § 31.6091-1 of this chapter (Employment Tax Regulations), relating to the place for filing certain returns.

(b) Calendar years before 1966. Wages, as defined in section 3401, paid to an employee are required to be reported on Form W-2. (See §§ 31.6011(a)-4 and 31.6011(a)-5 of this chapter (Employment Tax Regulations).) For calendar years before 1966, all other payments of compensation, including the cash value of payments made in any medium other than cash, to an employee by his employer in the course of the trade or business of the employer must be reported on Form 1099 if the total of such payments and the amount of the employee's wages, if any, required to be reported on Form W-2 equals \$600 or more in a calendar year. For example, if a payment of \$700 was made to an employee and \$400 thereof represents wages subject to withholding under section 3402 and the remaining \$300 represents compensation not subject to withholding, the \$400 must be reported on Form W-2 and the \$300 must be reported on Form 1099. For the calendar year 1965, the provisions of this paragraph will be deemed to have been complied with if the return required by this paragraph was made on Form W-2 instead of Form 1099.

(c) *Distribution under employees' trust.* (1) Amounts which are distributed or made available to a beneficiary, and to which section 402 (relating to employees' trusts) or section 403 (relating to employee annuity plans) applies, shall be reported on Forms 1099 and 1096 to the extent such amounts are includible in the gross income of such beneficiary when the amounts so includible are \$600 or more in any calendar year.

(2) Any amount with respect to which a statement is required by § 1.6047-1, relating to employee retirement plans covering owner-employees, shall not be included in amounts required to be reported under section 6041.

PAR. 3. Section 1.6041-3 is amended by revising paragraph (a) to read as follows:

§ 1.6041-3 Payments for which no return of information is required under section 6041.

(a) Payments of income required to be reported on Forms 1042, 1042S, 1000, 1001 (including all special variations thereof), 1120-S, 941, W-2, and W-3 (however, see § 1.6041-2 with respect to Forms W-2 and W-3);

PAR. 4. Section 1.6041-6 is amended by revising the heading thereof to read as follows:

§ 1.6041-6 Returns made on Forms 1096 and 1099 under section 6041; contents and time and place for filing.

PAR. 5. Section 1.6052-1 is amended by revising paragraphs (a)(1) and (b) to read as follows:

§ 1.6052-1 Information returns regarding payment of wages in the form of group-term life insurance.

(a) *Requirement of reporting—(1) In general.* Every employer, who during any calendar year after December 31, 1963, provides any one of his employees remuneration for services in the form of group-term life insurance on the life of such employee any part of the cost of which is to be included in such employee's gross income as set forth in paragraph (a)(2) of § 1.79-1, shall make a separate return on Form W-2 with respect to each such employee for such year which includes the following information:

(i) Name, address, and identifying number of the employer;

(ii) Name, address, and social security number of the employee; and

(iii) Total amount includible in the employee's gross income by reason of the provisions of section 79(a), computed as if each employee reported his income on the basis of a calendar year (determined as if the employer making such return is the only employer paying the employee remuneration in the form of group-term life insurance on his life which is includible in his gross income under section 79(a)).

Such Forms W-2 shall be transmitted by Form W-3. In a case where, with respect to the same employee, an employer must make a return on Form W-2 under this section and also under § 31.6011(a)-4 or § 31.6011(a)-5 of this chapter (Employment Tax Regulations), or under § 1.6041-2 (relating to information at source), such employer must make such returns on the same Form W-2. In a case where an employer must file a Form W-3 under this section and also § 31.6011(a)-4 or § 31.6011(a)-5 of this chapter (Employment Tax Regulations), the Form W-3 filed under such § 31.6011(a)-4 or § 31.6011(a)-5 shall also be used as the transmittal form for a return on Form W-2 made pursuant to the provisions of this section. For the calendar years 1964 and 1965, the provisions of this paragraph will be deemed to have been complied with if the return was made on Forms 1099 and 1096.

(b) *Time and place for filing—(1) Time for filing—(i) General rule.* In a case where an employer must file a Form W-3 under this section and also under § 31.6011(a)-4 or § 31.6011(a)-5 of this chapter (Employment Tax Regulations), the time for filing the return under this section shall be the same as the time (including extensions thereof) for filing such Form W-3 under such § 31.6011(a)-4 or § 31.6011(a)-5.

(ii) *Exception.* In a case where an employer is not required to file a Form W-3 under § 31.6011(a)-4 or § 31.6011(a)-5 of this chapter (Employment Tax Regulations), returns made under this section for any calendar year shall be filed on or before February 28 of the following year.

(iii) *Cross references.* For the time for filing certain returns and other documents, see § 31.6071(a)-1 of this chapter (Employment Tax Regulations). For extensions of time for filing returns, see section 6081 and the regulations thereunder.

(2) *Place for filing.* The returns required under this paragraph shall be filed pursuant to the rules contained in § 31.6091-1 of this chapter (Employment Tax Regulations), relating to the place for filing certain returns.

(3) *Special rule for calendar years before 1966.* For calendar years before 1966, the provisions of this section with respect to time and place for filing a return will be deemed to have been complied with if the return for such years was filed in accordance with the instructions applicable to the appropriate forms.

PAR. 6. Section 1.6052-2 is amended by redesignating paragraph (d) as paragraph (e), by redesignating paragraph (e) as paragraph (f), and by inserting after paragraph (c) a new paragraph (d). These amended and added provisions read as follows:

§ 1.6052-2 Statements to be furnished employees with respect to wages paid in the form of group-term life insurance.

(d) *Special rule where Form W-2 is used.* The provisions of this paragraph shall apply notwithstanding anything to the contrary in paragraph (b) or (c) of this section. The requirement of this section for the furnishing of a statement to an employee may be satisfied by furnishing to such employee the employee's copy of the Form W-2 filed pursuant to § 1.6052-1 in respect of such employee. In a case where the statement furnished by an employer to an employee for purposes of complying with this section is the employee's copy of a Form W-2 which must be furnished to such employee under the provisions of section 6051 of the Code, then the rules in § 31.6051-1 of this chapter (Employment Tax Regulations) shall apply with respect to the means and time (including extensions thereof) for furnishing such statements to the employee and making corrections on such Form.

(e) *Definitions.* Terms used in this section which are defined in paragraph (b) of § 1.79-1 have the meaning ascribed to them in such paragraph (b).

(f) *Penalty.* For provisions relating to the penalty provided for failure to furnish a statement under this section, see section 6678 and the regulations thereunder.

PAR. 7. Paragraph (c)(7) of § 1.6071-1 is amended to read as follows:

§ 1.6071-1 Time for filing returns and other documents.

(c) *Time for filing certain information returns.*

(7) For provisions relating to the time for filing information returns by persons making certain payments, see paragraph (a)(3) of § 1.6041-2 and § 1.6041-6.

PAR. 8. Paragraph (b)(7) of § 1.6091-1 is amended to read as follows:

§ 1.6091-1 Place for filing returns or other documents.

(b) *Place for filing certain information returns.*

(7) For the place for filing returns of information reporting certain payments, see paragraph (a)(4) of § 1.6041-2 and § 1.6041-6.

[F.R. Doc. 67-1098; Filed, Jan. 30, 1967; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 56]

SHELL EGGS

U.S. Standards, Grades, and Weight Classes

Notice is hereby given that the U.S. Department of Agriculture is considering amendments to the Regulations Governing the Grading of Shell Eggs and the U.S. Standards, Grades, and Weight Classes for Shell Eggs under authority

contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 et seq.).

Statement of considerations. There have been comments from time to time that the present U.S. consumer grades should be revised to more accurately reflect the quality of eggs now being produced and marketed. Currently, U.S. Consumer Grade A requires at least 80 percent A quality eggs with a tolerance of 20 percent below A quality. A field study was made recently on Grade A eggs packed in 11 official shell egg plants throughout the country. Four hundred and eighty-five gradings were selected at random from graders' files covering a period of 6 months and the results tabulated. Ninety-five percent of the gradings averaged 85 percent or higher A quality eggs. The results of the study appear to justify an increase in the minimum percentage of A quality eggs required in Grade A packs at origin. We, therefore, propose to create "origin" consumer grades and apply the grades presently written to destination grades. The proposed amendments define "origin" grading as "a grading which is performed other than where the eggs are retailed or consumed."

The proposed amendments would require at least 85 percent A quality eggs in Grade A packs at "origin." Grade A packs graded at destination would be required to meet the present standards—at least 80 percent A quality. Grade AA and Grade B packs at "origin" would be required to contain at least 85 percent AA and B quality eggs, respectively, and destination gradings for AA and B Grade would remain substantially as presently written. The tolerance for dirties in Grade B eggs would be deleted for both "origin" and "destination" gradings. The Department feels there is no justification for a tolerance for "dirties" in any consumer grade under today's marketing practices.

Procurement grades, which are quite similar to consumer grades but designed primarily for large scale users, would also be changed. "Origin" and "destination" grades would be established for Procurement Grades I and II. "Origin" gradings for Procurement Grades I and II would require a minimum of 85 percent and 65 percent A quality eggs, respectively, in lieu of the present 80 percent and 60 percent. Destination procurement grades would remain the same as the present requirements. Procurement Grades III and IV and the export grades, which have not been used for some time, would be deleted. Raising the origin requirements for consumer and procurement grades would further assure consumers and large buyers of receiving the quality of eggs desired.

The regulations now require that all eggs in cartons officially identified with consumer grade marks be individually graded by a grader or by authorized personnel and thereafter check graded by a grader. Bulk packs or loose eggs are not covered by this requirement even though they may bear the same grade designation. A bulk pack consisting of eggs from

many sources can be graded on a sample basis and if the grading is within established tolerances, each case in the lot can be officially identified with the mark used on cartons or loose eggs which have been individually graded. This is not consistent. We propose to use a different mark on bulk packs for which the grade is determined on a sample basis. Such a mark will be similar to the other mark, will include the appropriate letter grade, but will indicate that the product was sample graded.

Recognizing the value to consumers of similar grade marks for all poultry products, we propose to change the form of the consumer grade marks for shell eggs to make them practically the same as the grade marks for poultry. Terms such as "Federal-State Graded" which are now required to be shown in the consumer grade marks for eggs not under the Quality Control Program may continue to be used but would no longer be required. The letters "U.S." would also be deleted from the grade mark. In order to provide sufficient time to use existing supplies of material bearing official grade marks, this change would not become fully effective until January 1, 1969.

The section on the dating of officially identified eggs not under the Quality Control Program would be changed to provide that cartons identified with the date of grading may be predated a maximum of 4 days from the date the first eggs in a shipment were packed. Predated eggs would be check graded on the date shown on the cartons. Presently, there are no time limitations on predating. In addition, the proposal would specify that when both the date of grading and an expiration date are used, the expiration date shall not exceed 10 days from the date of grading and the date of grading may not be later than the day the eggs are shipped from the plant. This would prevent the predating of eggs with an expiration date.

The regulations now require that the breakout test for Quality Control Programs be accomplished weekly. A statistical study of breakout records indicates that comparable results can be obtained with a biweekly breakout. We, therefore, propose to permit breakouts every other week providing the breakout records do not indicate a variation in individual eggs or averages beyond that normally expected, in which case a weekly breakout would be required. The moving average for biweekly breakouts would be computed by averaging the results of the last two biweekly breakouts. Since breakouts involve destructive sampling, the advantages of the proposed system to users of the program are obvious. Because of the change to biweekly breakout tests, the section on dating of quality control eggs would be amended to require that eggs be packed within 6 days from the time they are received at the plant (not counting the day received) or they must be tested again to determine their eligibility for packing. This will insure against eggs being held in the plant for up to 14 days without further testing.

To keep pace with consumer demands for a wholesome product protected from contamination and deterioration and in the concept that the modern shell egg plant is a food processing plant in every sense of the word, we propose to update the sections concerning facilities and operating requirements. Plants not having a system for the daily removal or destruction of trash would be required to have a separate refuse room or designated area for the accumulation of such trash. Cooler rooms would be required to have equipment to maintain proper humidity and a recording device to indicate the humidity. The section on washing eggs would be amended to require that the wash water be at least 20° F. warmer than the eggs and at a temperature of at least 90° F. Washed eggs would be required to be spray rinsed with an approved sanitizing solution. The amendments would provide for adequate water change in continuous-type washers and would specify that washers using recirculated wash water have a continuous supply of clean water or return of rinse water resulting in a continuous overflow.

A new section on health and hygiene of employees would be added to further insure the wholesomeness of the product.

Certain minor changes have been made and some paragraphs have been rearranged for the sake of clarity.

All persons who desire to submit written data, views, or comments in connection with this proposal shall file the same in triplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than April 1, 1967.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments are as follows:

1. Section 56.1 would be amended by deleting the letter designations preceding each definition and adding the following definitions in alphabetical order:

§ 56.1 Meaning of words and terms defined.

"Origin grading" is a grading which is performed other than where the eggs are retailed or consumed.

"Potable water" means water that has been approved by the State health authority or agency or laboratory acceptable to the Administrator as safe for drinking and suitable for food processing.

"Shell protected" means eggs which have had a protective covering such as oil applied to the shell surface. The product used shall be acceptable to the Food and Drug Administration.

2. A new § 56.17 would be added to read:

§ 56.17 Facilities and equipment for graders.

Facilities and equipment to be furnished by the applicant for use of graders in performing service on a resident basis shall include (when deemed necessary) the following:

- (a) (1) An accurate metal stem thermometer;
- (2) Scales to weigh individual eggs, cartons of eggs, and bulk eggs. Test weights for each type scale used;
- (3) An acceptable candling light.
- (b) Furnished office space, a desk (equipped with a satisfactory locking device), and lockers or cabinets suitable for the protection and storage of official stamps and supplies. Such space and equipment must meet the approval of the State Supervisor.

(c) For eggs packed under §§ 56.42 and 56.43, an approved room or separate area for the breakout, adequate lighting, facilities for washing equipment, a breakout table, and a micrometer.

3. Paragraphs (a) and (b) (2), (3), and (4) of § 56.36 would be amended to read, respectively:

§ 56.36 Information required on, and form of grade mark.

(a) *Information required on grade mark.* (1) Except as otherwise authorized, each grade mark provided for in this section shall conspicuously and legibly indicate the letters "USDA" and the U.S. grade of the product it identifies such as "A Grade" (illustrated in Figure 2).

(2) The size or weight class of the product such as "Large" and such terms as "Federal-State Graded" or words of similar import may be shown within the grade mark (illustrated in Figure 3). However, such terms as "Federal-State Graded" need not be shown. The size or weight class of the product may be omitted from the grade mark provided it appears prominently on the main panel of the carton.

(3) The plant number of the official plant preceded by the letter "P" may appear in the grade mark. When not shown within the grade mark, the plant identification must be shown elsewhere on the packaging material.

(b) *Form of official identification symbol and grade mark.* * * *

(2) Except as otherwise authorized, the grade mark permitted to be used to officially identify cartons of shell eggs which are graded pursuant to the regulations in this part shall be contained in a shield and in the form and design indicated in Figures 2, 3, and 6 of this section. The shield shall be of sufficient size so that the print and other information contained therein is distinctly legible and in approximately the same proportion and size as shown in Figures 2 and 3. The grade mark shall be printed on the carton or on a tape used to seal the carton. Existing supplies of cartons or tape bearing the grade mark may be used until January 1, 1969.



FIGURE 2



FIGURE 3

(3) *Fresh Fancy Quality or AA grade mark.* Eggs which are packaged pursuant to § 56.42 and are to be grade marked shall be labeled with one of the following grade marks:



PRODUCED and MARKETING
under FEDERAL - STATE
QUALITY CONTROL PROGRAM

FIGURE 4



PRODUCED and MARKETING
under FEDERAL - STATE
QUALITY CONTROL PROGRAM

FIGURE 5



FIGURE 6

(4) *Alternate Grade A mark.* Eggs which are packaged pursuant to § 56.43 and are to be grade marked shall be labeled with the grade mark shown in Figures 2 and 3 of subparagraph (2) of this paragraph, or with the following grade mark:



PRODUCED and MARKETING
under FEDERAL - STATE
QUALITY CONTROL PROGRAM

FIGURE 7

4. Section 56.37 would be amended to read:

§ 56.37 Dating of officially identified product.

Each carton identified with grade marks shown in Figures 2, 3, and 6 of § 56.36 shall have either (1) the date the eggs were graded; (2) an expiration date; or (3) a combination of the grading date and the expiration date, applied legibly to the carton or on the tape used to seal the carton.

(a) If the date of grading is used, it shall be expressed as the "month" and "day," the number of the "month" and "day," or as the consecutive day of the year. Cartons may be dated no more than 4 days from the date the first eggs of the shipment were packed, provided the eggs therein are check graded on the date shown on the cartons.

(b) If the expiration date is used, it shall be stated as the "month" and "day," or the number of the "month" and "day" preceded by the letters "EXP." or a statement such as "not to be sold after." The expiration date shall not exceed 10 days from the date of grading, excluding the date of grading. The final check grading shall be made at the origin plant.

(c) If a combination of date of grading and expiration date is used, the expiration date shall not exceed 10 days from the date of grading and the date of grading may not be later than the day the eggs are shipped from the plant.

(d) Any additional codes may be used only upon written approval of the Administrator.

5. The heading preceding § 56.39 would be amended to read:

PREREQUISITES TO PACKAGING SHELL EGGS IDENTIFIED WITH CONSUMER GRADE MARKS

6. Section 56.40 would be amended to read:

§ 56.40 Grading requirements of shell eggs identified with consumer grade marks.

(a) Shell eggs to be identified with the marks illustrated in Figures 2, 3, and 6 of § 56.36 must be individually graded by a grader or by authorized personnel pursuant to § 56.11 and thereafter check graded by a grader.

(b) Shell eggs not graded in accordance with paragraph (a) of this section may be officially graded on a sample

basis and the shipping containers may be identified with grade marks which contain the words "sample graded" and which are approved by the Administrator.

(c) Shell eggs which are to bear the U.S. consumer grade mark shall be packed only from eggs of current production. They shall not possess any undesirable odors or flavors.

§ 56.41 [Deleted]

7. Section 56.41 would be deleted.

8. Paragraphs (a) (4) and (b) (1), (2), (5), (6), (9), and (10) of § 56.42 would be amended to read, respectively:

§ 56.42 Requirements for eggs packaged under Fresh Fancy Quality grade mark or AA grade mark as shown in Figures 4, 5, and 6 of § 56.36.

(a) Minimum requirements of procurement and distribution program. * * *

(4) Eggs shall be cooled immediately after gathering to 60° F. or below and held at a reasonable constant temperature not to exceed 60° F. and at a relative humidity of approximately 70 percent. Notwithstanding the foregoing, the temperature of the eggs may rise to 70° F. during washing and packaging operations provided the eggs are moved promptly to a cooler or transported at a temperature of 60° F. or below.

(b) Minimum requirements at packaging plant. (1) The quality factor of albumen firmness shall be determined by the broken-out score, measured in Haugh units, and the condition of the yolk shall be observed during such testing. The breakout test shall be made every other week unless the breakout records indicate a variation in individual eggs or averages beyond that normally expected for this program, in which case the breakout shall be made weekly. The test shall be accomplished at the assembly plant or at the farm in the event the eggs go directly from the farm to the store. Eggs which do not meet the requirements of AA quality with respect to shell texture or shape shall not be selected as part of any sample that is to be broken out and scored. Sampling, breakout testing, and maintenance of records of breakout test shall be done by or under the immediate supervision of a grader.

(2) The internal temperature of the eggs shall not be lower than 45° F. or higher than 60° F. at the time of making the breakout test. Eggs shall be placed under refrigeration at a temperature not to exceed 60° F. and a relative humidity of approximately 70 percent immediately after packaging.

(5) The biweekly or weekly average shall be computed by averaging the results obtained when testing eggs in accordance with either subdivision (1) or (2) of this subparagraph. Samples shall be drawn at random from each flock, from a single shipment, every 2 weeks (or weekly when required).

(i) A sample of 10 eggs shall be tested when the moving average is below 80

Haugh units and not more than one egg in the sample shall measure less than 60 Haugh units.

(ii) A sample of 5 eggs may be tested when the moving average is 80 Haugh units or above and the sample contains no eggs which measure less than 60 Haugh units. If only one egg measures less than 60 Haugh units, an additional 5 eggs shall be tested. If this second 5-egg sample contains no eggs below 60 Haugh units, the average of the 10 eggs shall be used in determining the biweekly or weekly average.

(6) The moving average shall be computed by averaging the results of the latest two biweekly or four weekly (when required) Haugh unit entries of a flock.

(9) Packages or sealing tapes shall bear in distinctly legible form, a date, stated as the "month" and "day," or the number of the "month" and "day" preceded by the letters "EXP." or a statement such as "not to be sold after." The expiration date shall not exceed 10 days from the date the eggs are packed, excluding the day of pack. The eggs must be packed within 6 days from the time they are received at the plant (not counting the day received), or that shipment must be tested again for Haugh units to determine their eligibility for packing. Notwithstanding the foregoing, other systems of dating may be approved which accomplish the purposes of this paragraph, providing application for such a system is made in writing by the applicant and concurred in by the Administrator.

(10) Graders shall examine samples of packaged products in accordance with the provisions of § 56.4 or as determined by the National Supervisor. A tolerance of 5 percent is permitted in any combination of eggs that are of B quality or C quality with respect to shell, C quality with respect to meat or blood spots, and checks. Dirties, Leakers, and Loss are not permitted.

9. Section 56.43 would be amended by changing paragraph (d) and adding paragraph (e) to read:

§ 56.43 Requirements for eggs packaged under the U.S. Grade A mark as shown in Figure 7 of § 56.36.

(d) The biweekly or weekly average shall be computed by averaging the results obtained by testing 10 eggs from each flock every other week (or weekly when required). Samples shall be drawn at random every other week (or weekly when required) from each flock from a single shipment. Notwithstanding the foregoing, 5 eggs may be used as the sample size when the moving average is such that the flock would qualify under the provisions of § 56.42.

(e) A tolerance of 5 percent is permitted in any combination for C quality with respect to shell, meat or blood spots, and checks. Dirties, Leakers, and Loss are not permitted.

10. Paragraph (a) of § 56.76 would be amended by changing subparagraph (3) and adding subparagraphs (4) and (5).

11. Paragraph (c) of § 56.76 would be amended by changing subparagraph (1) and adding subparagraph (3).

12. Paragraph (d) of § 56.76 would be amended.

13. Paragraph (e) (2), (3), and (4) of § 56.76 would be amended and subparagraphs (5) through (12) would be added.

14. Paragraph (f) of § 56.76 would be amended and paragraph (g) would be added.

The affected portions of § 56.76 would read as follows:

§ 56.76 Minimum facility and operating requirements for shell egg grading and packing plants.

(a) General requirements for buildings and plant facilities. * * *

(3) Adequate lavatory and toilet accommodations shall be provided. Toilet and locker rooms shall be maintained in a clean and sanitary condition. Hot and cold running water shall be provided. Rooms shall be ventilated to the outside of the building. Signs shall be posted in the rest rooms instructing employees to wash their hands before returning to work.

(4) A separate refuse room or a designated area for the accumulation of trash must be provided in plants which do not have a system for the daily removal or destruction of such trash.

(5) Wood benches, platforms, etc., which develop odors shall be replaced with equipment of metal construction. Wood walls or partitions which develop odors shall be replaced with materials impervious to moisture. Newly constructed plants should be equipped with metal benches, platforms, etc., in areas which are subjected to moisture.

(c) Cooler room requirements. (1) Cooler rooms shall have refrigeration facilities capable of reducing within 24 hours and holding the maximum volume of eggs handled to 60° F. or below. Accurate thermometers shall be provided.

(3) All shell egg coolers shall be equipped with a hygrometer or portable equipment such as a psychrometer shall be available to determine the relative humidity. Humidifying equipment capable of maintaining a relative humidity of approximately 70 percent shall also be provided.

(d) Shell egg protecting operations. Shell egg protecting (oil processing) operations shall be conducted in a manner to avoid contamination of the product and maximize conservation of its quality.

(1) Eggs with excess moisture on the shell shall not be shell protected.

(2) Oil having any off odor, or that is obviously contaminated, shall not be used in shell egg protection.

(3) Processing oil that has been previously used and which has become contaminated shall be filtered and heat treated at 180° F. for 3 minutes prior to use.

(4) Shell egg processing equipment shall be washed, rinsed, and treated with a bactericidal agent each time the oil is removed. It is preferable to filter and

heat treat processing oil and clean processing equipment daily when in use.

(5) Adequate coverage and protection against dust and dirt shall be provided when the equipment is not in use.

(e) *Shell egg cleaning operations.*

(2) Waste water from the egg washing operation shall go directly to a drain.

(3) Continuous-type washers shall have a complete water change at least once during each shift, at the end of each shift, or more frequently if considered necessary.

(4) Wash water used shall be at least 20° F. warmer than the eggs. The minimum maintained temperature of the wash water shall be 90° F. The 20 degree differential shall be maintained throughout the cleaning cycle. Prewetting by submersion shall not exceed five (5) minutes.

(5) During any rest period, eggs shall be removed from any area which is subjected to heat, such as the washing and rinsing area of the egg washer and over the scanning area.

(6) Only approved cleaning and sanitizing compounds may be used. The use of metered equipment for dispensing the compounds into solution is recommended.

(7) The entire shell egg cleaning and drying operations shall be continuous and shall be completed as rapidly as possible.

(8) Only potable water may be used to wash eggs. Each official plant shall submit certification to the national office stating that their water supply is potable. An analysis of the iron content of the water supply, stated in parts per million, is also required.

(9) Potable water or rinse water overflow shall be added continuously to recirculated wash water so as to provide for a continuous overflow. When the equipment has no continuous intake and overflow, the wash water shall be replaced after each basket or container of eggs is washed.

(10) All washed eggs shall be spray rinsed with potable water which contains an approved sanitizing compound. The sanitizing rinse shall be warmer than the wash water.

(11) Washed eggs shall be reasonably dry before cartoning or casing.

(12) Steam or vapors originating from the washing operation shall be continuously and directly removed to the outside of the building.

(f) *Requirements for eggs which are to be marked with any official U.S. identification mark.* (1) Shell eggs, except as otherwise provided for in §§ 56.42 and 56.43 and those graded from commercial cold storages, shall not be below 40° F. or above 70° F. at the time of official grading. Eggs held in a plant shall be placed under refrigeration of 60° F. or below immediately after packaging.

(2) Every reasonable precaution shall be exercised to prevent "sweating" of eggs.

(3) Eggs which are to be officially identified shall be packaged only in new

or good used cases and packing materials. Cases and packing materials must be reasonably clean, free of mold, mustiness and off odors and must be of sufficient strength and durability to adequately protect the eggs during normal distribution.

(g) Pesticides, insecticides, and rodenticides used in the plant shall be approved and shall be handled in accordance with the manufacturers' instructions.

15. A new § 56.77 would be added to read:

§ 56.77 Health and hygiene of personnel.

(a) No person known to be affected by a communicable or infectious disease shall be permitted to come in contact with the product.

(b) Plant personnel coming into contact with the product shall wear clean clothing.

16. Section 56.205 would be amended to read:

§ 56.205 Dirty.

The shell must be unbroken and it has adhering dirt or foreign material, prominent stains, or moderate stains covering more than one-fourth of the shell surface.

17. Section 56.206 would be amended to read:

§ 56.206 Check.

An individual egg that has a broken shell or crack in the shell but with its shell membranes intact and its contents do not leak. A "check" is considered to be lower in quality than a "dirty."

§ 56.207 [Deleted]

18. Section 56.207 would be deleted.

19. Paragraph (b) of § 56.208 would be amended to read:

§ 56.208 Terms descriptive of shell.

(b) *Dirty.* A shell which has dirt or foreign material adhering to its surface, which has prominent stains, or has moderate stains covering more than one-fourth of the shell surface.

20. Paragraph (c) would be added to § 56.212 to read:

§ 56.212 General terms.

(c) *Leaker.* An individual egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exuding or free to exude through the shell.

21. Paragraphs (a) and (c) of § 56.215 would be amended to read:

§ 56.215 General.

(a) These grades are applicable to edible shell eggs in "lot" quantities rather than on an "individual" egg basis. A lot may contain any quantity of two or more eggs. Reference in these standards to the term "case" means 30-dozen egg cases as used in commercial practices in

the United States. The size of the sample used to determine grade shall be on the basis of the requirements of § 56.4 or as determined by the National Supervisor.

(c) Aggregate tolerances are permitted within each grade only as an allowance for variable efficiency and interpretation of graders, normal changes under favorable conditions during reasonable periods between grading and reasonable variation of graders' interpretation.

22. Section 56.216 would be amended to read:

§ 56.216 Grades.

(a) Fresh Fancy Quality shall consist of eggs meeting the requirements as set forth in § 56.42.

(b) U.S. Grade AA:

(1) U.S. Consumer Grade AA (at origin) shall consist of eggs which are 85 percent AA quality. Within the maximum tolerance of 15 percent which may be below AA quality, not more than 5 percent may be B quality, C quality or checks in any combination. No dirties or loss are permitted. This grade is also applicable when the lot consists of eggs meeting the requirements set forth in § 56.42.

(2) U.S. Consumer Grade AA (destination) shall consist of eggs which are 80 percent AA quality. Within the maximum tolerance of 20 percent which may be below AA quality, not more than 5 percent may be B quality, C quality or checks in any combination. No dirties or loss are permitted. This grade is also applicable when the lot consists of eggs meeting the requirements set forth in § 56.42.

(c) U.S. Grade A:

(1) U.S. Consumer Grade A (at origin) shall consist of eggs which are 85 percent A quality or better. Within the maximum tolerance of 15 percent which may be below A quality, not more than 5 percent may be C quality or checks in any combination. No dirties or loss are permitted. This grade is also applicable when the lot consists of eggs meeting the requirements set forth in § 56.43.

(2) U.S. Consumer Grade A (destination) shall consist of eggs which are 80 percent A quality or better. Within the maximum tolerance of 20 percent which may be below A quality, not more than 5 percent may be C quality or checks in any combination. No dirties or loss are permitted. This grade is also applicable when the lot consists of eggs meeting the requirements set forth in § 56.43.

(d) U.S. Grade B:

(1) U.S. Consumer Grade B (at origin) shall consist of eggs which are 85 percent B quality or better. Within the maximum tolerance of 15 percent which may be below B quality, not more than 10 percent may be checks. No dirties or loss are permitted.

(2) U.S. Consumer Grade B (destination) shall consist of eggs which are 80 percent B quality or better. Within the maximum tolerance of 20 percent which

may be below B quality, not more than 10 percent may be checks. No dirties or loss are permitted.

(e) Additional tolerances:

(1) Within the maximum tolerances permitted, an allowance will be made on destination gradings for one-half percent leakers in Fresh Fancy Quality and U.S. Consumer Grades AA, A and B.

(2) In lots of 2 or more cases:

(i) For Grade AA—no individual case may exceed 10 percent less AA quality eggs than permitted for the lot average.

(ii) For Grade A—no individual case may exceed 10 percent less A quality eggs than permitted for the lot average.

(iii) For Grade B—no individual case may exceed 10 percent less B quality eggs than permitted for the lot average.

(3) In lots of 2 or more cartons, no individual carton may contain less than 8 eggs of the specified quality and no individual carton may contain less than 10 eggs of the specified quality and the next lower quality. The remaining 2 eggs may consist of a combination of qualities below the next lower quality (i.e., in lots of Grade A not more than 2 eggs of the qualities in individual cartons within the sample may be C or checks).

23. Tables I and II in § 56.217 would be amended to read, respectively:

§ 56.217 Summary of grades.

TABLE I—SUMMARY OF U.S. CONSUMER GRADES FOR SHELL EGGS

U.S. Consumer grade (origin)	Quality required ¹	Tolerance permitted	
		Percent	Quality
Grade AA or Fresh Fancy Quality	85 percent AA	Up to 15. Not over 5.	A. B, C, or Check.
Grade A	85 percent A or better	Up to 15. Not over 5.	B. C or Check.
Grade B	85 percent B or better	Up to 15. Not over 10.	Checks.
U.S. Consumer grade (destination)	Quality required ¹	Tolerance permitted ²	
		Percent	Quality
Grade AA or Fresh Fancy Quality	80 percent AA	Up to 20. Not over 5.	A. B, C, or Check.
Grade A	80 percent A or better	Up to 20. Not over 5.	B. C or Check.
Grade B	80 percent B or better	Up to 20. Not over 10.	Checks.

¹ In lots of 2 or more cases or cartons see Table II of this section for tolerances for an individual case or carton within a lot.

² Within tolerance permitted, an allowance will be made on destination gradings for one-half percent Leakers in Grades Fresh Fancy, AA, A, and B.

TABLE II—TOLERANCE FOR INDIVIDUAL CASE OR CARTON WITHIN A LOT

U.S. consumer grade	Case—minimum quality—percent	Carton—minimum quality—number eggs
Grade AA or Fresh Fancy Quality	70% AA. 20% A. 10% B, C, or Check.	8 eggs AA. 2 eggs A. 2 eggs B, C, or Check.
Grade A	70% A. 20% B. 10% C or Check.	8 eggs A. 2 eggs B. 2 eggs C or Check.
Grade B	70% B. 10% C. 20% Check.	8 eggs B. 2 eggs C. 2 eggs Check.

24. Paragraph (b) of § 56.218 would be amended to read:

§ 56.218 Weight classes.

(b) A lot average tolerance of 3.3 percent for individual eggs in the next lower weight class is permitted as long as no individual case within the lot exceeds 5 percent.

25. Section 56.221 would be amended to read:

§ 56.221 Grades.

(a) U.S. Procurement Grade I:

(1) U.S. Procurement Grade I (at origin) shall consist of eggs which are 85

percent A quality or better. Within the maximum of 15 percent which may be below A quality, not more than 5 percent may be of the qualities below B. The maximum tolerance of 5 percent may consist of C quality, not more than 3 percent Checks, and not more than three-tenths percent Dirties, Leakers, and Loss combined. Loss, other than meat and blood spots, shall not exceed 0.15 percent.

(2) U.S. Procurement Grade II (destination) shall consist of eggs which are 80 percent A quality or better. Within the maximum of 20 percent which may be below A quality, not more than 5 percent may be of the qualities below B. The maximum tolerance of 5 percent may consist of C quality, not more than 3 percent Checks, and not more than three-tenths percent Dirties, Leakers, and Loss combined. Loss, other than meat and blood spots, shall not exceed 0.20 percent.

(b) U.S. Procurement Grade II:

(1) U.S. Procurement Grade II (at origin) shall consist of eggs which are 65 percent A quality or better. Within the maximum of 35 percent which may be below A quality, not more than 10 percent may be of the qualities below B. The maximum tolerance of 10 percent may consist of C quality, not more than 3 per-

cent Checks, and not more than three-tenths percent Dirties, Leakers, and Loss combined. Loss, other than meat and blood spots, shall not exceed 0.15 percent.

(2) U.S. Procurement Grade II (destination) shall consist of eggs which are 60 percent A quality or better. Within the maximum of 40 percent which may be below A quality, not more than 10 percent may be of the qualities below B. The maximum tolerance of 10 percent may consist of C quality, not more than 3 percent Checks, and not more than three-tenths percent Dirties, Leakers, and Loss combined. Loss, other than meat and blood spots, shall not exceed 0.20 percent.

(c) Individual cases may contain not over 10 percent less A quality eggs than specified for the procurement grade.

26. Table I of § 56.222 would be amended to read:

§ 56.222 Summary of grades.

TABLE I—SUMMARY OF U.S. PROCUREMENT GRADES FOR SHELL EGGS

U.S. Procurement Grade (origin)	A quality or better (lot average) at least ¹	Maximum tolerance permitted ² (lot average)	
		Percent	Quality
I	85	Up to 15. Not over 5.	B. C, Dirty, Check, Leaker, and Loss.
II	65	Up to 35. Not over 10.	B. C, Dirty, Check, Leaker, and Loss.

U.S. Procurement Grade (destination)	A quality or better (lot average) at least ¹	Maximum tolerance permitted ² (lot average)	
		Percent	Quality
I	80	Up to 20. Not over 5.	B. C, Dirty, Check, Leaker, and Loss.
II	60	Up to 40. Not over 10.	B. C, Dirty, Check, Leaker, and Loss.

¹ Individual cases may not exceed 10 percent less A quality eggs than permitted for the lot average.

² Within each tolerance for qualities below B, the grades may contain no more than 3 percent Checks, and a combined total of three-tenths percent Dirties, Leakers, and Loss. Loss other than meat and blood spots shall not exceed 0.15 percent at origin and 0.20 percent at destination.

§§ 56.231–56.233 [Deleted]

27. The heading preceding § 56.231 and §§ 56.231, 56.232 and 56.233 would be deleted.

28. The introductory statement in paragraph (a) of § 56.234 would be amended and paragraph (d) would be deleted to read:

§ 56.234 Packaging material.

(a) The following are suggested types for new standard fiber cases:

(d) [Deleted]

Done at Washington, D.C., this 25th day of January 1967.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[P.R. Doc. 67-1033; Filed, Jan. 30, 1967;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 80]

[Docket No. 34650; Notice 1A]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Pipeline Transportation

JANUARY 16, 1967.

The Interstate Commerce Commission was given jurisdiction over the transportation of dangerous articles by pipeline by the enactment of Public Law 89-95, approved July 27, 1965.

Public Law 89-95 amended the definition of "carrier" in section 831 of Title 18, U.S.C. 831-835, known as the Explosives and Other Dangerous Articles Act, by deleting the words "other than pipelines" from the definition, thereby including pipeline carriers as being subject to the rules and regulations set forth by the Commission for carriers transporting explosives and other dangerous articles.

This legislation was introduced at the suggestion of the petroleum industry. Representatives of industry, appearing before the Senate Commerce Committee, stated that the industry preferred to be regulated for safety by the Interstate Commerce Commission rather than be subjected to a potential myriad of State regulations.

Pursuant to the authority contained in this Public Law, the Commission released a notice of proposed rule making, Notice No. 1, Docket No. 34650, on October 14, 1965, inviting all interested parties to submit representations setting forth their views and recommended specifications for the materials to be used in, and the design, construction, fabrication, inspection, and testing of pipelines to be operated by pipeline carriers engaged in interstate and foreign commerce which transport dangerous commodities other than natural gas and water. The representations were to be filed with the Commission by December 31, 1965. However, at the request of the American Petroleum Institute, the filing date was extended to March 31, 1966.

Over 25 comments including 3 major code recommendations were received as a result of notice No. 1. There have been numerous meetings with the American Petroleum Institute, members of the petroleum industry, civic association representatives, and other people interested in pipeline safety. The information submitted has been evaluated and

utilized in the formulation of the regulations.

Parts 71 through 90, of Title 49-Transportation, Code of Federal Regulations, have been reserved for regulations dealing with explosives and other dangerous articles. At the present time only Parts 71-79 are being used. Part 80 is being assigned to regulations for pipeline safety.

It has not been possible to develop a complete set of regulations in the time available. Therefore, general regulations explaining the purpose, scope, and applicability have been formulated along with a subpart on Accident Reporting.

Accident Reporting was chosen to be included in this notice of proposed rule making so that the Commission could begin to accumulate data concerning accidents. To do this effectively, a form for the reporting of accidents was designed (Form BOC-102), a copy of which is attached hereto and made a part hereof.¹

When the entire set of regulations is published, there will be additional subparts dealing with design, materials of design, construction, nondestructive testing, operation and maintenance, and requirements for pipelines constructed prior to the enactment of the regulations. These remaining subparts will be published as soon as practicable.

The proposed addition of Part 80 is set forth below.

Any party desiring to make representations in favor of or against the proposed addition of Part 80, including Accident Report Form BOC-102, may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before April 1, 1967. The proposed addition is subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Office of the Federal Register.

(74 Stat. 808, 79 Stat. 285; 18 U.S.C. 834)

By the Commission, Division 3.

[SEAL]

H. NEIL GARSON,
Secretary.

Add new Part 80 (29 F.R. 19016, Dec. 29, 1964) to read as follows:

PART 80—CARRIERS BY PIPELINE

- | | |
|------|--|
| Sec. | |
| 80.1 | Purpose of the regulations in Part 80. |
| 80.2 | Scope of the regulations in Part 80. |
| 80.3 | Exemptions from the regulations in Part 80. |
| 80.4 | Definitions pertaining to Part 80. |
| 80.5 | Acceptable commodities for transportation by pipeline. |
| 80.6 | Dangerous goods not acceptable for transportation by pipeline. |

Subpart A—Accident Reporting

- | | |
|-------|--------------------------------|
| 80.25 | Purpose of accident reporting. |
| 80.26 | Reportable accident. |

¹ Form BOC-102 filed as part of original document.

- | | |
|-------|--|
| Sec. | |
| 80.27 | Accident reports confidential. |
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§ 80.1 Purpose of the regulations in Part 80.

(a) To promote the uniform enforcement of law and to minimize the dangers to life and property incident to the transportation of petroleum, explosives, and other dangerous articles (other than natural gas and water) by pipeline carrier in interstate or foreign commerce. This Part 80 prescribes the general rules under which pipeline carriers must design, construct, test, maintain and operate in order to provide for safety to the public and to the carrier's personnel. It is the duty of each such carrier to make the regulations effective and to thoroughly instruct employees in relation thereto.

§ 80.2 Scope of the regulations in Part 80.

(a) All pipeline carriers subject to Title 18, U.S.C. 831-835, known as the Explosives and Other Dangerous Articles Act, which at any time transport dangerous goods, as defined in § 80.4, through their pipeline system under pump pressure shall be subject to the regulations in Parts 71-80 of this chapter.

§ 80.3 Exemptions from the regulations in Part 80.

(a) Pipelines which operate at a stress level of 20 percent or less of the specified minimum yield strength of line pipe in the system, and pipelines which move commodities from one point to another by gravity rather than by pumping are exempt from the regulations in this part.

§ 80.4 Definitions pertaining to Part 80.

(a) For the purpose of regulations in this part, the following terminology is defined:

(1) *Dangerous goods.* The term "dangerous goods" as used in this part shall mean explosives and other dangerous articles as defined in Part 73 of this chapter and petroleum as defined in this section.

(2) *Pipeline system.* The terms "pipeline system" and "pipeline" are synonymous, and shall mean all parts of a carrier's physical facilities through which dangerous goods move including but not limited to: Line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, measurement and delivery stations and fabricated assemblies therein, and carrier owned breakout tankage.

(3) *Pipe*. "Pipe" or "line pipe" shall mean a tube, usually cylindrical, through which a commodity flows from one point to another.

(4) *Stress level*. The level of tangential or hoop stress, usually expressed as a percentage of yield or ultimate stress.

(5) *Barrel*. Unit of measurement equal to 42 U.S. gallons at 60° F. used to determine quantity of petroleum.

(6) *Petroleum*. A general term including but not limited to: crude oil, natural gasoline, liquefied petroleum gas (LPG) and liquid petroleum products.

(7) *Specified minimum yield strength*. The minimum yield strength, expressed in pounds per square inch, prescribed by the specification under which the material is purchased from the manufacturer.

§ 80.5 Acceptable commodities for transportation by pipeline.

(a) For the purpose of the regulations in this Part 80, all petroleum can be accepted for transportation by pipeline unless, due to the unusual character of the commodity, it will damage the pipeline and thereby create an undue safety hazard to persons or property.

§ 80.6 Dangerous goods not acceptable for transportation by pipeline.

(a) For the purpose of the regulations in this Part 80, no dangerous goods, except as specified in § 80.5, shall be permitted to be transported by pipeline without a special permit being issued by the Director or Acting Director, Bureau of Operations and Compliance, Washington, D.C. 20423. Request for such a permit shall give properties and characteristics of the dangerous goods to be transported and design specifications, including maximum operating pressures, for the pipeline through which the commodity is to be transported.

Subpart A—Accident Reporting

§ 80.25 Purpose of accident reporting.

(a) The purpose of accident reporting is to allow the determination of both causes of accidents and remedies to prevent accidents so that appropriate regulations may be formulated for the safe transportation of dangerous goods by pipeline in interstate and foreign commerce.

§ 80.26 Reportable accident.

(a) For the purpose of the regulations in this part, a reportable accident is any failure in the system of a pipeline carrier transporting dangerous goods under pressure by pumping in which there is a liquid or vapor release of the commodity transported resulting in any of the following:

- (1) Explosion or fire not intentionally set by carrier.
- (2) Loss of 50 barrels or more of liquid.
- (3) Escape to the atmosphere of more than 1 barrel per day of LPG or other commodity which vaporizes upon release to the atmosphere.
- (4) Death of any person.
- (5) Bodily harm to any person resulting in one or more of the following:

(i) Loss of consciousness.

(ii) Necessity to carry the person from the scene.

(iii) Necessity for medical treatment.

(iv) Disability which prevents the discharge of normal duties or the pursuit of normal activities beyond the day of the accident.

(6) Property damage to other than carrier's facilities to the extent of \$1,000 or more, based upon actual cost or reliable estimates.

§ 80.27 Accident reports confidential.

(a) Accident reports made by pipeline carriers in compliance with the regulations in this part shall be for the information of the Commission, and shall not be open to public inspection; *Provided, however*, When the Commission considers such action consistent with the public interest and necessary to the proper administration and enforcement of the provision of the Explosives and Other Dangerous Articles Act, Title 18, U.S.C. 831-835, or of orders, rules, and regulations issued thereunder, it may in its discretion, upon prior approval of an application of any Bureau of this Commission, allow such reports, or excerpts therefrom to be offered in evidence, (1) by attorneys in the employ of the Commission in a Commission proceeding, and (2) by attorneys in the employ of the Commission or by U.S. Attorneys in a court proceeding instituted by or at the request of the Commission.

§ 80.28 Accident reporting.

(a) Every pipeline carrier domiciled in the United States or elsewhere who experiences a reportable accident, as defined in § 80.26, shall prepare and file an accident report, on Form BOC-102.¹

§ 80.29 Instructions for preparing Form BOC-102.

(a) Reports of accidents on Form BOC-102 shall be prepared in accordance with the following instructions:

(1) *General*. Every applicable item must be marked or filled in as fully and as accurately as information accessible to the pipeline carrier at the time of filing the report will permit.

(2) *Part A*. Enter name as it is filed with the Interstate Commerce Commission. If the carrier's name is not filed with the Commission, enter the complete corporate name of the carrier. Enter the address of your principal place of business including zip code.

(3) *Part B, Item 1*. The date the accident occurred or was discovered will be entered here. If the accident was not discovered on the date it occurred, state this fact on the back of the form.

(4) *Part B, Item 2*. Place the exact time in hours and minutes (i.e., 10:15) if known or a time range (i.e., 10-11) if exact time is not known. If the accident was not discovered on the date it occurred, place the time it was discovered and state this fact on the back of the form as in Part B, Item 1.

¹ Form BOC-102 filed as part of original document.

(5) *Part B, Item 3*. Enter all three names, State, county, city or town, in or near which accident occurred.

(6) *Part B, Item 4*. Mark the appropriate box. If "other" is marked, state clearly on form what part of the pipeline system.

(7) *Part B, Item 5*. If the accident occurred in an uninhabited area, such as woods, cultivated field, swamp, etc., so state clearly on the form under Item 5. If not, a sketch shall be attached to the form showing the part of the pipeline system where the accident occurred, and the location of the accident as related to significant landmarks. Each item shown on the sketch must be clearly and distinctly marked to identify it. Approximate distances from accident location to all landmarks shown on the sketch must be indicated.

(8) *Part C*. Mark the appropriate box or boxes. If applicable, more than one box shall be marked. If "other" is marked, state clearly on form the exact origin of the liquid or vapor release.

(9) *Part D*. Mark the appropriate box. If "other" is marked, clearly state the cause of the accident.

(10) *Part E*. Indicate a number under each heading including "0" if none. If any of the numbers change after the form is filed, the revised number or numbers will be filed as a supplement to the report form (see § 80.31).

(11) *Part F, Items 1 and 2*. Report only material in the pipeline system that was actually damaged such as pipe, valves, or fittings. Do not include cost of commodity which was lost due to the accident or fittings used during repair which became permanently attached to system. The dollar value of damage should be based on replacement at present day costs.

(12) *Part F, Items 3 and 4*. This is damage to property other than that of the carrier. Dollar value must be actual or the best estimate available.

(13) *Part G, Item 1*. State the commonly used name of the commodity, such as fuel oil, regular gasoline, LPG, etc. If the commodity name is one not commonly used, state the name here and give a brief description of it under "Account of Accident by Responsible Official of Carrier."

(14) *Part G, Item 3*. State the year installed or the best estimate possible. Pipe is excluded as the year of installation is required in Item 4 of Part H.

(15) *Part H*. Mark appropriate boxes and state information required in all items of this Part H only if the accident occurred in line pipe. If the accident occurred in any other part of the pipeline system, omit this Part H.

(16) *Part I*. Mark appropriate boxes and state information required in all items of this Part I if the accident was caused by corrosion in any component of the pipeline system. In Item 4, state the length of time between the type of tests, such as pipe-to-soil potential, stated in Item 5.

(17) *Part J*. Complete all three items only if the accident was caused by equipment rupturing the pipeline. In

Item 2, all the information stated on the closest line marker must be shown.

(b) In the space provided after Part J, an account of the accident containing the most reliable information to which the pipeline carrier has access at the time of reporting, sufficiently detailed and complete to convey an understanding of the accident, shall be entered. This account should be continued on an extra sheet of paper if more space is needed.

(c) At the bottom of the back of Form BOC-102, state the name and title of the pipeline official responsible for compiling and filing the report along with the telephone number where this official can be reached, and the date the report was completed.

§ 80.30 Filing of accident report on Form BOC-102.

(a) A report of each accident shall be prepared in compliance with § 80.28. Two copies of each such report shall be filed as soon as practicable after occurrence of the accident but no later than 15 days after said accident. The carrier shall retain a copy of each accident report.

(b) Reports of domestic carriers, where filed: Pipeline carriers having their principal place of business inside the borders of the United States shall file the reports with the Regional Director, Bureau of Operations and Compliance, Interstate Commerce Commission, for the District in which the carrier has his or its principal place of business as shown in the following table:

District No.	Territory included	Location of district office
1	Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.	Boston, Mass. 02263.
2	Connecticut, New Jersey, and New York.	New York, N.Y. 10013.
3	Delaware, District of Columbia, Eastern Pennsylvania, Maryland, and Virginia.	Philadelphia, Pa. 19106.
4	Ohio, Western Pennsylvania, and West Virginia.	Columbus, Ohio 43215.
6	Alabama, Florida, Georgia, North Carolina, and South Carolina.	Atlanta, Ga. 30308.
7	Kentucky, Mississippi, and Tennessee.	Nashville, Tenn. 37203.
8	Illinois, Indiana, and Michigan.	Chicago, Ill. 60604.
9	Minnesota, North Dakota, South Dakota, and Wisconsin.	Minneapolis, Minn. 55401.
10	Iowa, Kansas, Missouri, and Nebraska.	Kansas City, Mo. 64106.
12	Arkansas, Louisiana, Oklahoma, and Texas except El Paso County, Tex.	Forth Worth, Tex. 76102.
13	Colorado, Montana, New Mexico, Utah, Wyoming, and El Paso County, Tex.	Denver, Colo. 80202.
15	Alaska, Idaho, Oregon, and Washington.	Portland, Oreg. 97204.
16	Arizona, California, and Nevada.	San Francisco, Calif. 94102.

(c) Reports of foreign carriers, where filed: Pipeline carriers having their principal place of business outside the borders of the United States shall file the reports with the Regional Director, Bureau of Operations and Compliance, Interstate Commerce Commission, at District offices as follows:

Canada:	District
That part of Canada east of the Richelieu, St. Lawrence, and St. Maurice Rivers to La Tuque on the north and thence a straight line due north to the Canadian border.	1
That part of Canada west of the Richelieu, St. Lawrence, and St. Maurice Rivers to La Tuque on the north and thence a straight line due north to the Canadian border; and east of Highways 19 and 8 from Port Burwell to Goderich, thence a straight line running north through Tobermory and Sudbury and thence due north to the Canadian border.	2
That part of Canada on the west of Highways 19 and 8 from Port Burwell to Goderich, thence a straight line running north through Tobermory and Sudbury and thence due north to the Canadian border; and on and east of Highway 11 from Nipigon to Macdillmid and thence a straight line due north to the Canadian border.	8
That part of Canada west of Highway 11 from Nipigon to Macdillmid and thence a straight line due north to the Canadian border; and on and east of Highway 6 from Regway to Melfort and thence a straight line due north to the Canadian border.	9
That part of Canada west of Highway 6 from Regway to Melfort and thence a straight line due north to the Canadian border, and all of the Province of Alberta.	13
All of the Province of British Columbia.	15
Mexico:	
Baja California and Sonora.	16
Those in all other Mexican States except the State of Chihuahua.	12
State of Chihuahua.	13

§ 80.31 Changes in or additions to accident report.

(a) Changes or additions to the original report on Form BOC-102 shall be filed immediately upon receipt of such information by the carrier with the Regional Director, as shown in § 80.30, as a supplement to Form BOC-102.

§ 80.32 Immediate notice of fatal accidents.

(a) Whenever a reportable accident results in the death of any person at the time of the accident or prior to the filing of Form BOC-102, the pipeline carrier

shall immediately transmit notice of such accident by telegraph or telephone to the Regional Director of the District in which the pipeline carrier has his or its principal place of business, as indicated in § 80.30. The notice shall include at least the following information:

- (1) Name and address of the pipeline carrier.
- (2) Date, time, and exact location of the accident.
- (3) The number of persons killed and the number injured.
- (4) Brief description of accident.

§ 80.33 Deaths occurring before filing report.

(a) In addition to the requirements of § 80.32, every death shall be reported on Form BOC-102 whether it occurs at the time of the accident or subsequently if such deaths occur prior to the filing of said accident report form.

§ 80.34 Notice of death occurring after filing report.

(a) Whenever any accident results in the death of any person after filing of Form BOC-102, notice of such deaths shall be given in writing within 24 hours after death becomes known to the pipeline carrier as a supplement to Form BOC-102 and shall be filed with the proper Regional Director. Such filing shall include the following information:

- (1) Name and address of the pipeline carrier.
- (2) Date and location of the accident.
- (3) Name and age of the deceased.

§ 80.35 Carrier to assist in investigation.

(a) If an investigation is made by the Commission subsequent to a reportable accident, the pipeline carrier involved in said accident shall make available to the duly authorized representative or representatives of the Commission all records and information which in any way pertain to the accident, and shall afford all reasonable assistance in the investigation of any such accident.

§ 80.36 Supplies of accident report Form BOC-102.

(a) For the purpose of compliance with the regulations in this part, every pipeline carrier shall provide and maintain an adequate supply of Form BOC-102 to enable prompt reporting of accidents. The Commission will, upon request, furnish specimen copies of the Form.

[F.R. Doc. 67-1112; Filed, Jan. 30, 1967; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—ATS 643.3-W]

FISHERY PRODUCTS FROM U.S.S.R.

Notice of Tentative Determination

JANUARY 23, 1967.

Information was received on March 9, 1966, that fishery products imported from the U.S.S.R. were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). This information was the subject of an "Antidumping Proceeding Notice" which was published pursuant to § 14.6(d), Customs Regulations, in the FEDERAL REGISTER of April 19, 1966, on page 5975 thereof.

On May 18, 1966, the Commissioner of Customs issued a withholding of appraisal notice with respect to such merchandise, which was published in the FEDERAL REGISTER dated May 25, 1966.

I hereby make a tentative determination that shrimps, lobster tails, and lobsters, fresh frozen or cooked frozen, imported from the U.S.S.R. are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a), of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of Reasons On Which This Tentative Determination Is Based. It is determined from the evidence presented that for fair value purposes the appropriate bases for comparison are the purchase price and the constructed value of the shrimps imported from the U.S.S.R.

The purchase prices of the various sizes of the shrimps are represented by the ex-vessel prices at Kuwait where the merchandise is unloaded for packing and icing on behalf of the purchaser before it continues on its journey to the United States. There are no deductions from these prices.

Constructed values for the shrimps from the U.S.S.R. were computed on the basis of the prices in the New York metropolitan area for shrimps from Kuwait caught in the same waters as the U.S.S.R. shrimps. These prices are published in the fishery products weekly report issued by the U.S. Department of the Interior, Bureau of Commercial Fisheries.

From the average of these prices covering the period January 1, 1966, through October 19, 1966, there were deducted the included commission; costs, charges and expenses from the processing plant to the port of exportation; handling costs, export taxes and fees at that port; ocean freight; marine insurance; reject insurance, and trucking, storage and handling in the United States. Additional deductions were made to adjust

for the difference at the time of importation between the condition of the shrimps from the U.S.S.R. and that of the imported Kuwait shrimps.

The purchase prices of the U.S.S.R. shrimps were in no instance lower than their constructed values.

With regard to lobsters and lobster tails, there have been no importations of the former from the U.S.S.R. since the completion of the 1965 order and but one small experimental shipment of the latter in 1966. Accordingly, no comparison was made as to these items. There is nothing in the record to indicate that there will be a resumption of shipments of these items.

Such written submissions as interested parties may care to make with respect to the contemplated action will be given appropriate consideration by the Secretary of the Treasury.

If any person believes that any information obtained by the Bureau of Customs in the course of this antidumping proceeding is inaccurate or that for any other reason the tentative determination is in error, he may request in writing that the Secretary of the Treasury afford him an opportunity to present his views in this regard.

Any such written submissions or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 14.8(a) of the Customs Regulations (19 CFR 14.8(a)).

[SEAL]

TRUE DAVIS,

Assistant Secretary of the Treasury.

[F.R. Doc. 67-1099; Filed, Jan. 30, 1967; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[I-765]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 24, 1967.

The Department of Agriculture has filed an application, Serial Number I-765, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for an existing lookout site in the Kootenai National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN

KOOTENAI NATIONAL FOREST

Smith Mountain Lookout

T. 59 N., R. 3 E., unsurveyed, which probably will be when surveyed:
Sec. 32, SE¼SE¼SW¼.

The area described aggregates 10 acres in Bonner County, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 67-1082; Filed, Jan. 30, 1967; 8:46 a.m.]

[I-766]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 24, 1967.

The Department of Agriculture has filed an application, Serial Number I-766, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as a recreation area in the Boise National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicants, to eliminate lands needed for purposes more essential than the applicants, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the **FEDERAL REGISTER**. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN

BOISE NATIONAL FOREST

South Fork Bridge Recreation Area

T. 15 N., R. 6 E.,
Sec. 11, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ NW $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described aggregate 40 acres in Valley County, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 67-1083; Filed, Jan. 30, 1967;
8:46 a.m.]

[Utah 1040]

UTAH

Order Opening Lands to Mineral Leasing and Location

JANUARY 20, 1967.

1. In an exchange of lands made under the provisions of the General Exchange Act of March 20, 1922 (42 Stat. 465), as amended (43 Stat. 1090), the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 14 N., R. 13 W.,
Secs. 9 and 15.

The areas described aggregate 1,280 acres.

2. The lands are a part of the Sawtooth National Forest, and are located in Box Elder County, about 10 miles north of Park Valley. The lands lie on the north slope of the Raft River Mountains. The terrain is mountainous and is covered by brush and grass.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will be opened at 10 a.m. on March 1, 1967, to such forms of disposition as may by law be made of national forest lands. All valid applications received at or prior to 10 a.m. on March 1, 1967, shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Post Office Box No. 11505, Salt Lake City, Utah 84111.

R. D. NIELSON,
State Director.

[F.R. Doc. 67-1084; Filed, Jan. 30, 1967;
8:46 a.m.]

Fish and Wildlife Service

[Docket No. B-404]

PATRICK O. PETERS

Notice of Loan Application

JANUARY 24, 1967.

Patrick O. Peters, Boothbay Harbor, Maine 04538, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 36-foot wood vessel to engage in the fishery for lobster, shrimp, whiting, and groundfish.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above-entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

RALPH C. BAKER,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 67-1081; Filed, Jan. 30, 1967;
8:46 a.m.]

Office of the Solicitor

[Solicitor's Reg. 24]

ASSOCIATE SOLICITOR, TERRITORIES, WILDLIFE AND CLAIMS, ET AL.

Delegation of Authority Regarding Tort Claims

JANUARY 18, 1967.

(a) The Associate Solicitor, Territories, Wildlife and Claims, may exercise all of the authority vested in the Solicitor of the Department of the Interior by 210 DM 2.2A(1), relating to claims under the Federal Tort Claims procedure.

(b) The Assistant Solicitor, Branch of Claims, Division of Territories, Wildlife and Claims, will exercise authority over all claims for \$25,000 or less presented to the Branch of Claims with authority to make awards of \$5,000 or less pursuant to 28 U.S.C. §§ 2401, 2671-2680 (The Federal Tort Claims Act), including appeals from determinations of Regional and Field Solicitors.

(c) With the approval of the Solicitor or the Deputy Solicitor, the Associate Solicitor, Territories, Wildlife and Claims may authorize other attorneys in the Branch of Claims to make awards pursuant to 28 U.S.C. §§ 2401, 2671-2680 (The Federal Tort Claims Act).

This regulation supersedes Solicitor's Regulation 24 of April 20, 1966 (31 F.R. 6325).

(210 DM 2A, 24 F.R. 1348; 210 DM 2.3, 24 F.R. 1349)

FRANK J. BARRY,
Solicitor.

[F.R. Doc. 67-1085; Filed, Jan. 30, 1967;
8:46 a.m.]

[Solicitor's Reg. 27]

REGIONAL SOLICITOR'S OFFICE ET AL.

Delegation of Authority Regarding Tort Claims Procedures

JANUARY 18, 1967.

SECTION 1. Purpose. This regulation shall apply to any claim accruing on or after January 18, 1967, and asserted under the provisions of 28 U.S.C. §§ 2401, 2671-2680 (The Federal Tort Claims Act). For purposes of the provisions of section 2672 of Title 28, United States Code, and these regulations, the principal claim and any derivative or subrogated claim shall be treated as a single claim.

Sec. 2. Delegation of authority. Except as hereinafter limited, claims demanding payment of an amount of \$25,000 or less may be processed by the appropriate Regional or Field Solicitor's Office provided that no award in excess of \$3,500 shall be made without the prior approval of the Assistant Solicitor, Branch of Claims. The Associate Solicitor, Territories, Wildlife and Claims shall be notified promptly upon receipt of any Tort Claim in excess of \$25,000.

Sec. 3. Limitation upon authority. (a) An award, compromise or settlement of a claim under the provisions of section 2672 of Title 28, United States Code, in

excess of \$25,000 shall be effected only with the prior written approval of the Attorney General or his designee through the Associate Solicitor, Territories, Wildlife and Claims.

(b) An administrative claim may be adjusted, determined, compromised or settled under the provisions of section 2672 of Title 28, United States Code, only after consultation with the Department of Justice when,

(1) A new precedent or a new point of law is involved; or

(2) A question of policy is or may be involved; or

(3) The United States is or may be entitled to indemnity or contribution from a third party and the Department is unable to adjust the third party claim; or

(4) The compromise of a particular claim, as a practical matter, will or may control the disposition of a related claim in which the amount to be paid may exceed \$25,000.

(c) An administrative claim may be adjusted, determined, compromised or settled under the provisions of section 2672 of Title 28, United States Code, only after consultation with the Department of Justice when the Department is informed or is otherwise aware that the United States or an employee, agent or costplus contractor of the United States is involved in litigation based on a claim arising out of the same incident or transaction.

Sec. 4. Department of Justice approval. When Department of Justice approval or consultation is required under section 3 or the advice of the Department of Justice is otherwise to be requested, the referral or request shall be drafted for the signature of the Associate Solicitor, Territories, Wildlife and Claims and addressed to the Assistant Attorney General, Civil Division, Department of Justice, in writing and shall contain (a) a short and concise statement of the facts and of the reasons for the referral or request, (b) copies of relevant portions of the agency's claim file, and (c) a statement of the recommendations or views of the agency. Such referrals or requests to the Department of Justice may be made at any time after presentation of a claim to the Federal agency.

Sec. 5. Notice. Notice of disposition of claim shall be in writing and sent to the claimant, his attorney, or legal representative by certified or registered mail, return receipt requested. The notice shall include a statement that if the claimant is dissatisfied, he is entitled:

(a) To an appeal to the Solicitor by filing with the Regional or Field Solicitor who determined the claim, within 30 days after the date of mailing of the determination, a written notice of appeal setting forth the basis for such appeal; or

(b) To institute suit immediately, but within a period of 6 months from the date of the mailing of the notice of determination.

FRANK J. BARRY,
Solicitor.

[F.R. Doc. 67-1086; Filed, Jan. 30, 1967;
8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

IDAHO

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Idaho natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

IDAHO

Minidoka.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 26th day of January 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-1111; Filed, Jan. 30, 1967;
8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17141; FCC 67-99]

BRANDYWINE-MAIN LINE RADIO, INC.

Memorandum Opinion and Order Designating Applications for Hearing on Stated Issues

In re applications of Brandywine-Main Line Radio, Inc. for renewal of licenses of Stations WXUR and WXUR-FM, Media, Pa., Docket No. 17141, File Nos. BR-4178 and BRH-1320.

The Commission has before it for consideration: The above-captioned applications; a petition filed by 19 civic and religious groups requesting the Commission to set said applications for hearing, to permit the civic and religious groups to intervene and be heard in the proceeding, and to deny said applications; a response to the petition and a reply to the response.

1. By memorandum opinion and order released March 19, 1965 the Commission granted an application for transfer of control of Brandywine-Main Line Radio, Inc., licensee of stations WXUR and WXUR-FM, Media, Pa., to Faith Theological Seminary, Inc. (FCC 65-207; 4 RR 2d 697). In making this grant the Commission took into account the representations of the proposed transferee that it would operate stations WXUR and WXUR-FM to serve the community and the various groups which make up

the community rather than to serve its private interest (i.e., its private sectarian interests and interest in fund raising). The Commission also took into account the representations of the proposed transferee that it would comply with the requirements of the Commission's Fairness Doctrine and afford fair opportunity to opposing viewpoints on controversial issues of public importance.

2. The above referenced applications for renewal of the licenses of WXUR and WXUR-FM for the period August 1, 1966 to July 31, 1969 were filed on May 3, 1966. On July 19, 1966 a petition to intervene and to deny the above referenced applications for renewal of licenses was filed on behalf of 19 civic and religious groups and an individual residing in the WXUR listening area.¹ Among other things, it was alleged in this petition that subsequent to the time Faith Theological Seminary assumed control of the stations, the applicant herein carried unbalanced programming which presented only one viewpoint on various controversial issues of public importance in violation of the Fairness Doctrine, and that it presented programming which attacked various religious and racial minority groups. It was also alleged that the applicant had not lived up to the programming promises and representations it made to the Commission in connection with its application for transfer of control.

3. At the request of the Commission, on August 12, 1966, the applicant submitted its response and comments on the petition of the Greater Philadelphia Council of Churches et al. In its response, the applicant formally denied all charges which had been made against it concerning the operations of stations WXUR and WXUR-FM and further advised the Commission that it "is prepared to submit substantial evidence which disproves the petitioner's charges and which will show that the applicant has not failed to comply with the Fairness Doctrine." The applicant further consented to the petitioners' request for evidentiary hearing and their request for full status as parties to such hearing. In addition to the foregoing, the Com-

¹ The groups and individual filing the petition to deny are the AFL-CIO of Pennsylvania, the American Baptist Convention, Division of Evangelism, the Delaware Valley Council of the American Jewish Congress, the Anti-Defamation League of B'nai B'rith, the Board of Social Ministry of the Lutheran Synod of Eastern Pennsylvania, Brith Shalom, the Catholic Community Relations Council, The Catholic Star Herald, the Fellowship Commission, the Greater Philadelphia Council of Churches, the Jewish Community Relations Council of Greater Philadelphia, the Jewish Labor Committee, the Media Fellowship House, the Media Chapter of the NAACP, the New Jersey Council of Churches, the Philadelphia Urban League, the U.S. Section of the Woman's International League for Peace and Freedom, the American Jewish Committee, and the Rev. Donald G. Huston, Pastor, First Presbyterian Church of Lower Marion. (This petition, submitted on the letterhead of the Greater Philadelphia Council of Churches, is sometimes hereinafter referred to as petition of Greater Philadelphia Council of Churches, et al.)

mission has received numerous letters and resolutions regarding the operation of Station WXUR subsequent to March 17, 1965, when Faith Theological Seminary was granted control of the station.² The Commission's Broadcast Bureau has also conducted an independent investigation into the operations of stations WXUR and WXUR-FM for the period subsequent to April 29, 1965, when Faith Theological Seminary took over control of the stations' operations.

4. From the foregoing, it appears that substantial questions are raised concerning the operation of stations WXUR and WXUR-FM by the applicant in the following respects: (i) Whether the applicant has met the conditions set forth in the Commission's memorandum opinion and order of March 17, 1965 (FCC 65-207)³ during its license period from April 29, 1965, to August 1, 1966; (ii) the efforts, if any, which the applicant has made to ascertain and serve the needs and interests of the public served by its stations; (iii) whether the applicant fully and candidly advised the Commission of its program plans in connection with its application for acquisition of control of the stations involved; (iv) the applicant's efforts to comply with the Commission's Fairness Doctrine, including the personal attack principle; and (v) whether the applicant has used the facilities of its stations to serve the sectarian and political views of its principals and to raise funds for their support rather than to serve the community generally, and whether this was misrepresented to the Commission in its application for acquisition of control of these stations. In the latter connection, the Commission notes the charges that the applicant has operated stations WXUR and WXUR-FM, as a divisive force in the community by disparaging racial and religious groups and by castigating and

vilifying persons and groups espousing views on public controversial issues different from those of the applicant.

Based on the foregoing, the Commission is unable to determine that a grant of these renewal applications would serve the public interest, convenience, and necessity. In order to insure that a full record is made detailing all pertinent and relevant facts concerning the applicant's operation of stations WXUR and WXUR-FM and its representations concerning such operation, an evidentiary hearing is required.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing to be held at Media, Pa., at a time to be specified in a subsequent order, upon the following issues:

(1) To determine what efforts the applicant has made to ascertain the needs and interests of the public served by its stations during the license period;

(2) To determine what the applicant has done to serve the needs and interests of the public served by its stations during the license period;

(3) To determine whether the applicant failed to inform the Commission fully of its program plans in connection with its applications for acquisition of control of Stations WXUR and WXUR-FM;

(4) To determine whether the applicant has complied with the Fairness Doctrine and section 315 of the Act by affording a reasonable opportunity for the discussion of conflicting views on issues of public importance during its license period;

(5) To determine whether during its license period the applicant has complied with the personal attack principle of the Fairness Doctrine by furnishing copies of pertinent tapes, continuities or summaries to persons or groups attacked, with specific offers of the stations' facilities for responses, where discussions of controversial public issues have involved personal attacks;

(6) To determine whether during its license period the applicant has utilized its stations to serve the sectarian and political views of its principals and to raise funds for their support rather than to serve the community generally and to serve impartially all the various groups which make up the community;

(7) To determine whether the applicant in connection with its application for transfer of control of Stations WXUR and WXUR-FM misrepresented to the Commission its program plans, its intent to comply with the Fairness Doctrine, and its intent regarding the discharge of its obligation to serve the community generally and the various groups which make up the community rather than its private sectarian, political, and fund raising interests, and whether it misrepresented to the public during its license period its intent to comply with the Fairness Doctrine.

(8) To determine whether in light of all the evidence a grant of the applications for renewal of the licenses of stations WXUR and WXUR-FM would serve

the public interest, convenience, or necessity.

It is further ordered, That the Petition of the Greater Philadelphia Council of Churches et al., insofar as it seeks a hearing on the applications herein and to participate in such hearing is granted.

It is further ordered, That in accordance with section 309(e) of the Act the burden of going forward with evidence in the first instance shall be on the intervenors as to issues (1), (2), (4), (5), and (6), with the Broadcast Bureau following with evidence in its possession relevant to those issues; the burden of going forward with evidence in the first instance shall be on the Broadcast Bureau as to issues (3) and (7). Then the applicant will present its evidence. Applicant has the ultimate burden of establishing that it possesses the requisite qualifications to be a licensee and that a grant of its applications for renewal of license would serve the public interest, convenience, and necessity.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant and Intervenor Philadelphia Council of Churches et al., herein, pursuant to § 1.221(e) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication thereof as required by § 1.594 of the Commission's rules.

Adopted: January 25, 1967.

Released: January 25, 1967.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,

Secretary.

[F.R. Doc. 67-1101; Filed, Jan. 30, 1967; 8:48 a.m.]

[Docket Nos. 15589, 16938; FCC 67M-135]

D & F BROADCASTING CO. AND MAUPIN BROADCASTING CO. (WKMK)

Order Regarding Procedural Dates

In re applications of Robert E. Dobelstein and W. F. Fowler, doing business as

⁴ In its response to the petition to intervene, the applicant "consents to the petitioners' request for an evidentiary hearing and their request for full status as parties to such hearing." In reliance on the fact that all signatories have joined in the petition before the Commission and are jointly represented by the same counsel, so that there will be no undue and burdensome proliferation of parties, we deem it appropriate to permit joint intervention of petitioners (see footnote 1, supra).

² Correspondence requesting an investigation of, or hearing on, the station's programming has been submitted by the Greater Philadelphia Branch, American Civil Liberties Union, the House of Representatives of the General Assembly of Pennsylvania, the Unitarian Church of Delaware County, the Pennsylvania Council of Churches, the Media Borough Council, and several individuals. Letters favoring the stations' operations have been received from the Thirtieth General Synod of the Bible Presbyterian Church and several individuals. Several of these groups have requested an opportunity to appear at any evidentiary hearing which is ordered. In light of our action herein, such persons and groups will be afforded the opportunity to appear and give relevant material and competent evidence. See sec. 1.225 (47 CFR 1.225) of the Commission's rules.

³ There it was specifically stated (4 R.R. 2d at 702): "In any event, this grant is subject to the same conditions applicable to all broadcast grants—that the licensee will make a good faith effort to ascertain and serve the needs and interests of its area (rather than to serve his private interest); that it will abide by the requirements of the fairness doctrine (see Public Notice of July 1, 1964, Applicability of the Fairness Doctrine, supra); and that it will not slant the news or in any way distort factual material."

D & F Broadcasting Co., Quincy, Fla., Docket No. 15589, File No. BP-16431, Robert L. Maupin, trading as The Maupin Broadcasting Co. (WKMK), Blountstown, Fla., Docket No. 16938, File No. BP-16600; for construction permits.

The Hearing Examiner having under consideration the "Motion for Continuance of Hearing" filed by The Maupin Broadcasting Co. in the above-entitled proceeding on January 20, 1967 on behalf of both of the above-named applicants, requesting that the Examiner continue until March 1, 1967 the first of the dates for further proceedings;

It appearing, that counsel for both applicants have reached an agreement whereby D & F Broadcasting Co. would dismiss its Quincy, Fla. application and Maupin would reimburse D & F for its expenses in prosecuting that application up to a maximum of \$1,750, as approved by the Commission; and

It further appearing, that appropriate documents to formalize the agreement and to present it for approval are now being prepared and will be filed shortly; and

It further appearing, that the Broadcast Bureau has informally advised the Examiner that it has no objection to the requested continuance, and that good cause has been shown for a grant thereof;

It is ordered, This 24th day of January 1967, that the dates set forth hereinafter shall govern future proceedings in this case:

Preliminary exchange of engineering and 307(b) exhibits presently scheduled for January 23, 1967 is hereby continued to March 1, 1967;

Final exchange of engineering and 307(b) exhibits presently scheduled for February 13, 1967 is hereby continued to March 20, 1967;

Further prehearing conference presently scheduled for February 16, 1967 is hereby continued to March 23, 1967; and

The hearing date presently to be set at the February 16, 1967 conference is hereby continued to a date to be set at the March 23, 1967 conference.

Released: January 26, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-1102; Filed, Jan. 30, 1967;
8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. PRM-30-34]

MINNESOTA MINING AND
MANUFACTURING CO.

Notice of Filing of Petition for Rule Making

Notice is hereby given that the Minnesota Mining and Manufacturing Co., 2501 Hudson Road, St. Paul, Minn., by letter dated January 6, 1967, has filed

with the Commission a petition for rule making to amend the Commission's regulations so as to exempt from licensing requirements promethium 147 as radio-luminous markings on automobile shift quadrants and position indicators, each set of quadrant markings and indicators to contain no more than a total of 15 millicuries of promethium 147.

The petitioner proposes that the radiation level from the shift quadrants and position indicators be limited to a maximum of 3 millirads per hour at 1 centimeter from any external surface when measured through 50 milligrams per square centimeter absorber.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 25th day of January 1967.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 67-1069; Filed, Jan. 30, 1967;
8:45 a.m.]

FEDERAL MARITIME COMMISSION

CITY OF NEW YORK AND MOORE-
McCORMACK LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval:

On January 20, 1967, notice appeared in the FEDERAL REGISTER (32 F.R. 690-1) stating that Agreement No. T-721-3 between the City of New York and Moore-McCormack Lines, Inc., had been filed for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814). The notice incorrectly stated that the leased premises are located at the foot of 23d Street, North River, New York, N.Y. The property should have been shown as

being located at the foot of 23d Street, Brooklyn, N.Y.

Dated: January 26, 1967.

By Order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-1103; Filed, Jan. 30, 1967;
8:48 a.m.]

CITY OF PORTLAND, OREG., AND
ALBINA DOCK CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 15 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Thomas P. Guerin, General Manager, Portland Public Docks, 3070 Northwest Front Avenue, Portland, Ore. 97210.

Agreement No. T-2012, between the City of Portland (City) and Albina Dock Co. (Company), provides for City's purchase of Albina Docks Nos. 1 and 2, and the personal property and equipment relating to Albina Docks Nos. 1, 2, and 3. The agreement sets forth the purchase price, the closing date, and other provisions relating to the transfer of the property to the City. Company agrees that for a 10-year period after the closing date, they will not operate Albina Dock No. 3 as a marine terminal for vessels engaged in the foreign, offshore, coastwise, or intercoastal trades, nor will they lease or sell the dock without a restriction against such use by lessee or purchaser.

Dated: January 26, 1967.

By Order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-1104; Filed, Jan. 30, 1967;
8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64-314]

SOUTHERN NATURAL GAS CO.

Notice of Petition To Amend

JANUARY 23, 1967.

Take notice that on January 17, 1967, Southern Natural Gas Co. (Petitioner), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP64-314 a petition to amend the order issued in said docket on June 8, 1966, which was part of the order issued in Docket Nos. CP64-270 et al., by authorizing the sale and delivery of natural gas to the successor in interest of the authorized recipient, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued in Docket No. CP64-314 on June 8, 1967, Petitioner was authorized to construct and operate facilities for the transmission of natural gas for sale and delivery to Intercoastal Gas Corp. (Intercoastal). Petitioner states that it has been advised that Atlanta Gas Light Co. (Atlanta) has purchased all the assets of Intercoastal.

Accordingly, Petitioner requests that the order in the instant proceeding be amended so as to authorize the construction and operation of facilities for the transmission of natural gas for sale and delivery to Atlanta.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before February 20, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-1078; Filed, Jan. 30, 1967; 8:46 a.m.]

[Docket No. CP66-208]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition To Amend

JANUARY 23, 1967.

Take notice that on January 11, 1967, Michigan Wisconsin Pipe Line Co. (Petitioner), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP66-208 a petition to amend the order issued in said docket on May 24, 1966, as amended by the orders issued September 2, and September 12, 1966, by authorizing the increase in the maximum daily quantity of natural gas delivered to two of its customers, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued May 24, 1966, Petitioner was authorized, inter alia, to increase deliveries of natural gas to certain customers. By the amending order of September 2, 1966, Petitioner was

authorized to increase deliveries of natural gas to certain customers one of which was the city of Bloomfield, Iowa.

By the instant petition to amend Petitioner requests authorization to increase the maximum daily quantity of natural gas delivered to the city of Bloomfield, Iowa, by an additional 150 Mcf for a total of 1,750 Mcf per day, and to increase the maximum daily quantity of natural gas delivered to Illinois Power Co. by an additional 400 Mcf per day for a total of 5,870 Mcf.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before February 20, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-1079; Filed, Jan. 30, 1967; 8:46 a.m.]

[Project No. 2100]

STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES

Notice of Application for Amendment of License for Partly Constructed Project

JANUARY 23, 1967.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by State of California Department of Water Resources (correspondence to: Alfred R. Golze, Chief Engineer, State of California Department of Water Resources, Post Office Box 388, Sacramento, Calif. 95814), for partly constructed Project No. 2100, known as Oroville Division, State Water Facilities, located on the Feather River and its tributaries in Butte County, Calif.

The licensee seeks to include in the partly constructed project a proposed 12-mile long 230-kv transmission line extending from the Oroville Powerplant switchyard to the project's Table Mountain tap (junction) in sec. 34, T. 20 N., R. 3 E., M.D.B. & M., from which junction one leg of the line will extend to Pacific Gas and Electric Co.'s unlicensed Table Mountain substation, and the other leg of the line will extend to the project's Thermalito powerplant switchyard.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is March 13, 1967. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-1080; Filed, Jan. 30, 1967; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4446]

PENNSYLVANIA ELECTRIC CO.

Notice of Proposed Issue and Sale of Short-Term Promissory Notes

JANUARY 25, 1967.

Notice is hereby given that Pennsylvania Electric Co. ("Penelec"), 1001 Broad Street, Johnstown, Pa. 15907, an electric utility subsidiary company of General Public Utilities Corp., a registered holding company has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) thereof as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Penelec requests that, for the period commencing on the granting of this application and ending on January 31, 1968, the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) of the Act relating to the issue and sale of short-term notes be increased from 5 percent to 10 percent of the principal amount and par value of other securities of Penelec at the time outstanding. Based upon the securities of Penelec outstanding at December 31, 1966, the proposed increase in automatic exempt borrowing authority would permit Penelec to have outstanding at any one time an aggregate of approximately \$41 million of short-term notes to banks. The filing states that Penelec had \$15,400,000 principal amount of such notes outstanding at the date of this application.

The new notes will bear interest at a rate not exceeding the prime rate (presently 6 percent per annum) in effect for commercial borrowing in New York as of the date of issue, will mature not later than 9 months from the date of issue, will be prepayable at any time without premium, and will not be issued as part of a public offering.

Although no commitments or agreements for such borrowings have been made if this application is granted by the Commission, Penelec expects that, as and to the extent that its cash needs require, borrowings will be effected from among the following banks, the maximum to be borrowed and outstanding from each such bank being as follows:

Banks	Amounts
Mellon National Bank & Trust Co., Pittsburgh, Pa.	\$15,000,000
Bankers Trust Co., New York, N.Y.	6,000,000
Morgan Guaranty Trust Co. of New York, N.Y.	5,000,000
Chemical Bank New York Trust Co., New York, N.Y.	3,600,000

Banks	Amounts
Marine Midland Grace Trust Co. of New York, N.Y.	\$2,000,000
First Seneca Bank & Trust Co., Oil City, Pa.	500,000
United States National Bank in Johnstown, Pa.	500,000
The First Pennsylvania Banking & Trust Co., Philadelphia, Pa.	3,000,000
Manufacturers Hanover Trust Co., New York, N.Y.	4,000,000
Union Bank & Trust Co., Erie, Pa.	250,000
The First National Bank of Erie, Pa.	750,000
Mid-State Bank & Trust Co., Altoona, Pa.	400,000
Total	41,000,000

Penelec proposes to utilize the proceeds of the contemplated borrowings for the purpose of financing its business as a public-utility company, including provision for construction expenditures, repayment of other short-term borrowings, and the temporary reimbursement of its treasury for construction expenditures provided therefrom. Penelec's construction program for 1967 contemplates gross construction costs of approximately \$50 million. Penelec will apply the net proceeds from any permanent debt financing effected prior to the maturity of all notes issued and outstanding under this application in reduction of, or in total payment of, such outstanding notes, and the maximum amount of indebtedness which may be incurred by Penelec under this application will be reduced by the amount of the net proceeds of any such permanent debt financing.

The application states that Penelec's expenses incident to the proposed issuance of notes will be approximately \$4,200, including legal fees of \$4,000; and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 16, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing

or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 67-1088; Filed, Jan. 30, 1967;
8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 7.1, Rev. 1]

DEPUTY ASSISTANT ADMINISTRATOR FOR ADMINISTRATION ET AL.

Delegation of Administrative Activities

Delegation of Authority No. 7.1 (29 F.R. 482), as amended (29 F.R. 12439), is hereby revised to read as follows:

I. Pursuant to the authority delegated to the Assistant Administrator for Administration by the Administrator (Delegation of Authority No. 7, Revision 1, 32 F.R. 179, the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Deputy Assistant Administrator for Administration.* 1. To assign, endorse, transfer, deliver, or release (but in all cases without representation, recourse, or warranty) promissory notes, bonds, debentures, and other obligating instruments on all loans or investments made or serviced by SBA when paid in full or when transferred to the Department of Justice for liquidation.

2. To contract for supplies, materials and equipment, printing, transportation, communications, space, and special services.

3. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410, dated March 26, 1962 (27 F.R. 3017) from the Administrator of the General Services Administration to the Small Business Administration).

4. To enter into contracts for supplies and services required to effectuate the Delegation of Authority from the Secretary of Commerce to the Small Business Administration (26 F.R. 7974, as amended by 28 F.R. 190).

B. *Director, Office of Financial Management; Chief, Accounting and Reports Division and Chief, Fiscal Examination Branch.* 1. Item I.A.1., above.

C. *Director and Assistant Director, Office of Administrative Services.* 1. To contract for supplies, materials and equipment, printing, transportation, communications, space, and special services.

2. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410, dated March 26, 1962 (27 F.R. 3017) from the Administrator of the General Services Administration to the Small Business Administration.

3. To enter into contracts for supplies and services required to effectuate the

Delegation of Authority from the Secretary of Commerce to the Small Business Administration (26 F.R. 7974, as amended by 28 F.R. 190).

4. To issue Government bills of lading, printing and binding orders, purchase orders, work orders, telephone orders, and tax exemption certificates.

D. *Chief, Procurement and Supply Division.* 1. To contract for supplies, materials and equipment, printing and special services.

2. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410, dated March 26, 1962 (27 F.R. 3017) from the Administrator of the General Services Administration to the Small Business Administration.

3. To enter into contracts for supplies and services required to effectuate the Delegation of Authority from the Secretary of Commerce to the Small Business Administration (26 F.R. 7974, as amended by 28 F.R. 190).

4. To issue Government bills of lading, printing and binding orders, purchase orders, and tax exemption certificates.

E. *Assistant Chief, Procurement and Supply Division.* 1. To issue Government bills of lading, printing and binding orders, purchase orders and tax exemption certificates as they relate to:

a. Delegation of Authority No. 410, dated March 26, 1962 (27 F.R. 3017) from the Administrator of the General Services Administration to the Small Business Administration; and

b. Delegation of Authority (26 F.R. 7974, as amended by 28 F.R. 190) from the Secretary of Commerce to the Small Business Administration.

F. *Warehouse Foreman, Procurement and Supply Division.* 1. To issue Government bills of lading.

G. *Chief, Office Services Division.* 1. To issue work orders, telephone orders, and authorize and approve repairs to machinery and equipment.

II. The specific authorities delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as acting in that position.

IV. All authority previously delegated by the Assistant Administrator for Administration to officials under his jurisdiction is hereby rescinded without prejudice to actions taken under such delegations prior to the date herein.

Effective date: September 1, 1966.

W. P. TURPIN,
Assistant Administrator
for Administration.

[F.R. Doc. 67-1089; Filed, Jan. 30, 1967;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 26, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of

practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40875—*Cinders to points in Mississippi*. Filed by Southwestern Freight Bureau, agent (No. B-8948), for interested rail carriers. Rates on cinders, clay, or shale, in carloads, from Arkalite and Edmondson, Ark., also Alexandria, La., to points in Mississippi located on the C&G Ry.

Grounds for relief—Market competition.

Tariff—Supplement 123 to Southwestern Freight Bureau, agent, tariff ICC 4565.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-1113; Filed, Jan. 30, 1967;
8:48 a.m.]

[Notice 329]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 26, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 8457 (Sub-No. 3 TA), filed January 24, 1967. Applicant: MILWAUKIE TRANSFER & FUEL CO., 836 Southeast 31st Street, Milwaukee, Wis. 53222. Applicant's representative: Earle V. White, 2130 Southwest Fifth Avenue, Portland, Ore. 97201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, as follows: *Laminated wood products* (except plywood sheets), and *timbers, trusses, and beams and hardware* used in the installation of, and moving in connection with, such commodities, from the plant-site of Trussfab, Inc., at Clackamas, Ore., to points in California, Arizona, and Nevada, for 180 days. Supporting shipper: Trussfab, Inc., 10055 Southeast

Mather Road, Post Office Box 7, Clackamas, Ore. 97015. Send protests to: A. E. Odums, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 450 Multnomah Building, Portland, Ore.

No. MC 22254 (Sub-No. 50 TA), filed January 24, 1967. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Avenue, Chicago, Ill. 60620. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, as follows: *Used cash registers*, weight less than 500 pounds each uncrated, (1) from Chicago, Ill., to points in the United States; (2) from points in the United States to Chicago, Ill., for 180 days. Supporting shipper: Chicago Cash Register Co., 1201 West Madison Street, Chicago, Ill. 60607. Send protests to: District Supervisor Charles J. Kudelka, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 66562 (Sub-No. 2215 TA), filed January 24, 1967. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y. 10017. Applicant's representative: Elmer F. Slovacek, 105 West Madison Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, as follows: *General commodities*, moving in express service, (1) between St. Paul, Minn., and Duluth, Minn., over U.S. Highway 61 (also Interstate Highway 65), serving the intermediate and off-route points of White Bear Lake, Hugo, Forest Lake, Wyoming, North Branch, Cambridge, Braham, Rush City, Pine City, Hinckley, Sandstone, Askov, Finlayson, Moose Lake, and Carlton, Minn.; (2) between Duluth, Minn., and junction Minnesota Highway 23 and U.S. Highway 61/Interstate Highway 35, over Minnesota Highway 23 as an alternate route for operating convenience only, serving no intermediate points, for 150 days. Supporting shipper: The application is supported by statements from 9 supporting shippers, which are on file here at the Interstate Commerce Commission, Washington, D.C. Send protests to: Anthony Chiusano, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 113828 (Sub-No. 118 TA), filed January 24, 1967. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue NW., Washington, D.C. 20014. Applicant's representative: John F. Grimm (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, as follows: *Animal fats and oils*, in bulk, in tank vehicles, from Smithfield, Va., to points in North Carolina, Virginia, Maryland, New Jersey, and Pennsylvania, for 180 days. Supporting shipper: Gwaltney, Inc., Smithfield, Va. Attention: John W. Barnes. Send protests to: District Supervisor Caldwell, Bureau of Operations and Compliance, Interstate

Commerce Commission, 12th and Constitution Avenue NW., Room 1220, Washington, D.C. 20423.

No. MC 114734 (Sub-No. 14 TA), filed January 24, 1967. Applicant: D AND J TRANSFER COMPANY, Sherburn, Minn. 56171. Applicant's representative: Nelson, Harding, Ackle, Leonard & Tate, 301 NSEA Building, 14th and J Streets, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, as follows: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, (1) from Sioux Falls, S. Dak., to points in Illinois (except Decatur, Elgin, and Kankakee), Minnesota, Nebraska, (except frozen offal to Crete), and points in Wisconsin; (2) from Spencer, Iowa, to points in Illinois (except Decatur, Rockford, Elgin, and Kankakee), Minnesota (except Minneapolis), and Nebraska; (3) from Storm Lake, Iowa, to points in Illinois (except frozen offal to Kankakee), Minnesota, Nebraska (except frozen offal to Crete), and points in Wisconsin; (4) between Sioux Falls, S. Dak., and Spencer, Iowa, (1), (2), (3), and (4) above are under a continuing contract or contracts with Spencer Packing Co., Spencer, Iowa, or its wholly owned subsidiary, Greenlee Packing Co., Sioux Falls, S. Dak., restricted to traffic originating at the plantsite and/or storage facilities used by Spencer Packing Co., and/or Greenlee Packing Co., for 180 days. Supporting shipper: Spencer Packing Co., Spencer, Iowa. Send protests to: C. H. Bergquist, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 115180 (Sub-No. 38 TA), filed January 24, 1967. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, as follows: *Materials, equipment, and supplies*, used or useful in the installation of swimming pools, from the plantsite, warehouses and facilities of Major Pool Equipment Corp. at South Kearny, N.J., and Delawanna, N.J., to Milwaukee and Green Bay, Wis.; Chicago, Ill.; Bay City, Flint, Lansing, and Detroit, Mich.; South Bend, and Indianapolis, Ind.; Toledo, Cincinnati, Columbus, and Cleveland, Ohio; St. Louis, Mo.; Memphis, Tenn.; Pittsburgh and Elizabethtown, Pa.; Buffalo and Rochester, N.Y.; Framingham, and Worcester, Mass.; Hartford, Conn.; and Newark, Del., for 150 days. Supporting shipper: Major Pool Equipment Corp., Lincoln Highway and Hackensack Avenue, South Kearny, N.J. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 124078 (Sub-No. 261 TA), filed January 24, 1967. Applicant: SCHWERTMAN TRUCKING CO., 611 South 28th

Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, as follows: *Cement*, in bulk, from Gary, Ind., to Yaphank, Long Island, N.Y., for 150 days. Supporting shipper: Atlas Cement Division, United States Steel Corp., Chatham Center, 112 Washington Place, Post Office Box 2969, Pittsburgh, Pa. 15230 (J. H. Dent, Manager, Cement Traffic). Send protests to: W. F. Sibbald, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 126311 (Sub-No. 4 TA), filed January 24, 1967. Applicant: CHARLES L. PARKS, R.F.D. No. 2, Ashland, Nebr. 68003. Applicant's representative: Nelson, Harding, Ackle, Leonard and Tate, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, as follows: *Dry fertilizer*, in bulk and in bags, from Joplin and St. Joseph, Mo., and Lawrence, Kans., to points in Cass, Butler, Colfax, Dodge, Douglas, Lancaster, Saunders, Seward, and Washington Counties, Nebr., for 180 days. Supporting shipper: Nehawka Farmers Cooperative, Nehawka, Nebr. Send protests to: District Supervisor Max H. Johnston, Bureau of Operations and Compliance, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 128018 (Sub-No. 1 TA), filed January 24, 1967. Applicant: VAN DYKE TRUCKING, INC., 4223 Maynard Avenue South, Seattle, Wash. 98108. Applicant's representative: George Kargianis, 609 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, as follows: *Commodities*, the transportation of which because of size or weight require use of special equipment, between points in Washington, Oregon, and Idaho, and ports of entry on the international boundary between the United States and Canada, for 180 days. Supporting shippers: Ace Concrete Co., Box 27, Spokane, Wash. 99206; Central Pre-Mix Concrete Co., 805 North Division, Spokane, Wash. 99202; Concrete Conduit Co., Post Office Box 588, Auburn, Wash. 98002; Olympian Stone Co., Post Office Box 685, Redmond, Wash. 98052; Seaboard Motors Equipment & Machinery, 4326 Maynard Avenue South at Genesee, Seattle, Wash. 98108; Howard S. Wright Construction Co., Post Office Box 3764, Seattle, Wash. 98109. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 128101 (Sub-No. 1 TA), filed January 24, 1967. Applicant: MWM TRUCK LINES, INC., Post Office Box 222, Arcadia, Mo. 63621. Applicant's representative: Ernest A. Brooks II, 1301-02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate

as a contract carrier, by motor vehicle, over irregular routes, as follows: *Lumber and blocking material*, from points in Washington, Crawford, Perry, Iron, and Reynolds Counties, Mo., to Chicago Heights, Ill., and Michigan City and Gary, Ind., for 180 days. Supporting shipper: Everett Sutton, doing business as E. J. Sutton Lumber Co., Potosi, Mo. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 128822 TA, filed January 24, 1967. Applicant: RITTER & SMITH TRUCKING, INC., 1910 Halethorpe Farm Road, Baltimore, Md. 21227. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, as follows: *Corrugated steel pipe*, plain, galvanized or asphalt coated, with fittings and accessories from Halethorpe, Md., to New Jersey, New York, Delaware, Pennsylvania, West Virginia, Virginia, Connecticut, and the District of Columbia, for 180 days. Supporting shipper: Armco Steel Corp., Middletown, Ohio 45042. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 312 Appraisers' Stores Building, Baltimore, Md. 21202.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-1114; Filed, Jan. 30, 1967;
8:49 a.m.]

[Notice 1471]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 26, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity. No. MC-FC-69274. By order of January 19, 1967, the Transfer Board approved the transfer to Independent Livery, Inc., Hot Springs, Va. 24445 of the operating rights of Clarence Campbell Criser, Mary Elizabeth Criser, and Thomas Montgomery Criser, a partnership, doing business as Independent Livery, Hot Springs, Va. 24445 in certificates Nos. MC-101746 and MC-101746 (Sub-No. 3), issued May 9, 1957, and May 26, 1960, respectively, authorizing

the transportation, over regular routes, of passengers and their baggage, between Covington, Va., and Hot Springs, Va., as restricted, and between Hot Springs, Va., and Clifton Forge, Va., from Hot Springs to Covington, as restricted.

No. MC-FC-69309. By order of January 19, 1967, the Transfer Board approved the transfer to United Warehouse & Transfer, Inc., Johnson City, Tenn., of the operating rights of Clifford Shipworth, doing business as United Warehouse & Transfer, Johnson City, Tenn., in certificate No. MC-514, issued September 22, 1965, authorizing the transportation, over irregular routes, of household goods, between Johnson City, Tenn., on the one hand, and, on the other, points in Kentucky, Florida, Ohio, Pennsylvania, Maryland, and the District of Columbia, between Bristol, Tenn.-Va., and points within 50 miles of Bristol, on the one hand, and, on the other, points in Virginia, Tennessee, West Virginia, North Carolina, and South Carolina; of stone, building materials, carbide and carbon products, boxes, and box shooks, between Johnson City, Tenn., on the one hand, and, on the other, points in Virginia and North Carolina within 100 miles of Johnson City; and boats, between points in 16 specified counties in Tennessee, on the one hand, and, on the other, points in 7 specified counties in Virginia. Walter L. Price, Fairview at Boone, Johnson City, Tenn. 37601, attorney for applicants.

No. MC-FC-69339. By order of January 19, 1967, the Transfer Board approved the transfer to Bal-Gem Trucking Corp., New York, N.Y., of certificate No. MC-124311, issued December 14, 1966, to Levenson Transportation Corp., New York, N.Y., and authorizing the transportation of cut piece-goods and trimmings, over a regular route, from New York, N.Y., to Perth Amboy, N.J., serving all intermediate points and, on return, men's women's, and children's garments. Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. 07102, attorney for applicants.

No. MC-FC-69344. By order of January 19, 1967, the Transfer Board approved the transfer to Hackel Cartage, Inc., Chicago, Ill., of the operating rights of Harold Hackel and Raymond E. Hackel, a partnership, doing business as Hackel Cartage, Chicago, Ill., in certificate No. MC-116903, issued December 10, 1958, authorizing the transportation, over irregular routes, of electric home appliances and gas ranges uncrated, between Chicago, Ill., on the one hand, and, on the other, points in Lake and Porter Counties, Ind. Alfred L. Roth, 188 West Randolph Street, Chicago, Ill. 60601, attorney for applicants.

No. MC-FC-69350. By order of January 19, 1967, the Transfer Board approved the transfer to John R. Morgan Co., a corporation, Detroit, Mich., of the operating rights in certificates Nos. MC-13964, MC-13964 (Sub-No. 1) and MC-13964 (Sub-No. 2) issued July 28, 1947, January 6, 1950, April 20, 1960, respectively to John Morgan, doing business as John R. Morgan Co., Detroit, Mich., authorizing the transportation of:

Household goods, as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, over irregular routes. Between points and places in Michigan, on the one hand, and, on the other, points and places in Connecticut, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, New York, Ohio, Pennsylvania, Tennessee, and Wisconsin. Horses, other than ordinary, and in the same vehicle with such horses, stable supplies and equipment used in their care and exhibition, mascots, and the personal effects of their attendants, trainers, or exhibitors, over irregular routes. Between points and places in Michigan, Ohio, Indiana, Illinois, and Kentucky, Pennsylvania, North Carolina, South Carolina, Georgia, Florida, and Tennessee. Rex Eames, 900 Guardian Building, Detroit, Mich. 48226, attorney for applicants.

No. MC-FC-69351. By order of January 19, 1967, the Transfer Board approved the transfer to Charles J. Kotwica, doing business as Rome Express, Rome, N.Y., of the operating rights in Permit No. MC-1077 issued June 24, 1963, to Kenneth V. Coon, doing business as Coon's Cartage Co., Mattydale, N.Y., authorizing the transportation of: Laundry machinery, and supplies, from Syracuse, N.Y., to Richmond, Fort Myer, and Salem, Va., and points in Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, New York, Maryland, and the District of Columbia; and used and damaged laundry machinery, from Richmond, Fort Myer, and Salem, Va., and points in Massachusetts, Connecticut, New York, Rhode Island, New Jersey, Pennsylvania, Maryland, and the District of Columbia, to Syracuse, N.Y. Metal partitions and component parts thereof, used in and incidental to building construction, from Syracuse, N.Y., to points

in Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, New York, Maryland, Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized. Laundry machinery, and parts thereof, from Syracuse, N.Y., to points in Virginia, except Richmond, Fort Myer, and Salem; and used and damaged laundry machinery, from points in Virginia, except Richmond, Fort Myer, and Salem to Syracuse, N.Y. Dual operations are involved. Bert Collins and Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006, representatives for applicants. Barney C. Meltzer, 310 State Tower Building, Syracuse, N.Y., attorney for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.[F.R. Doc. 67-1115; Filed, Jan. 30, 1967;
8:49 a.m.]

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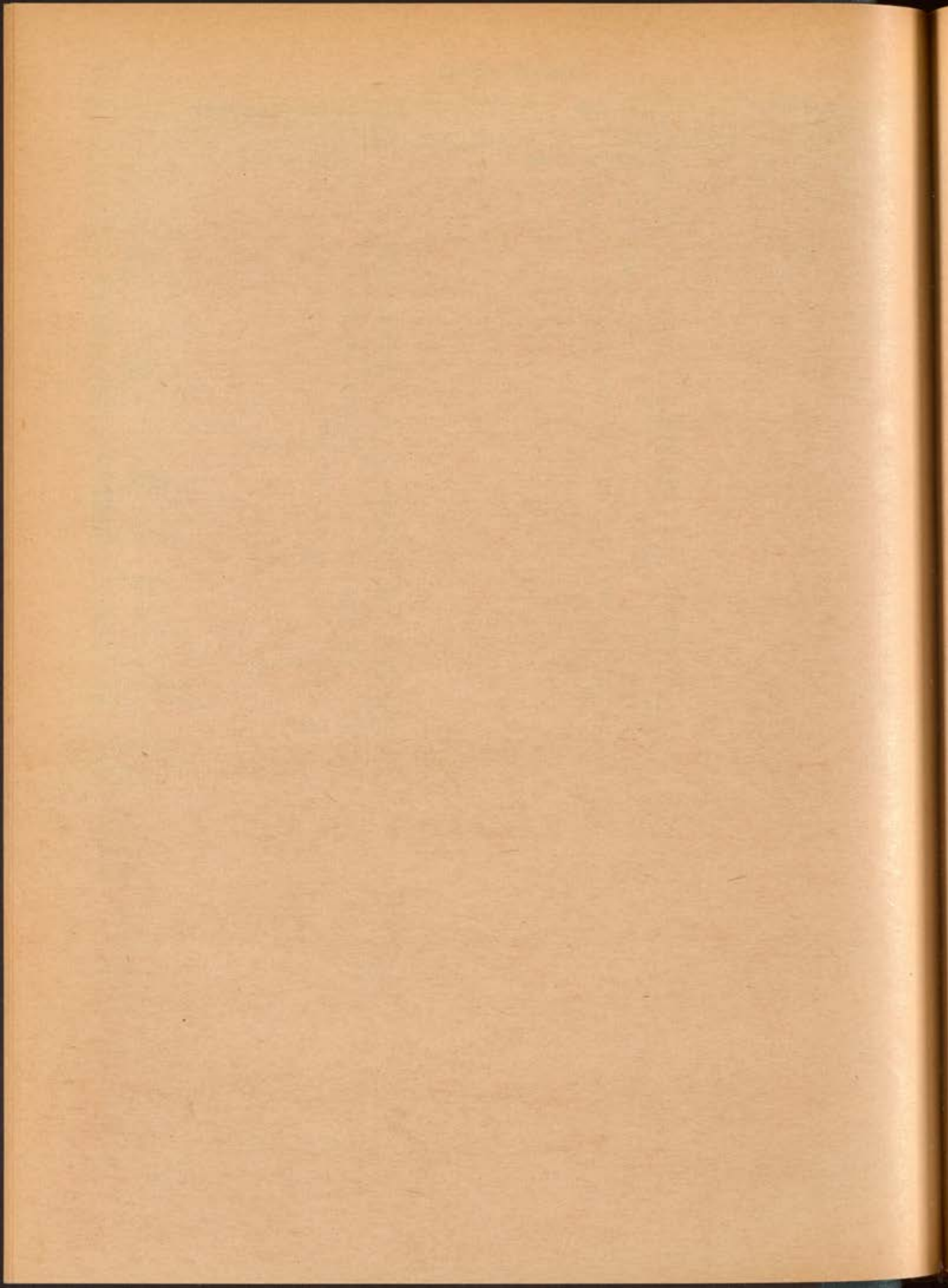
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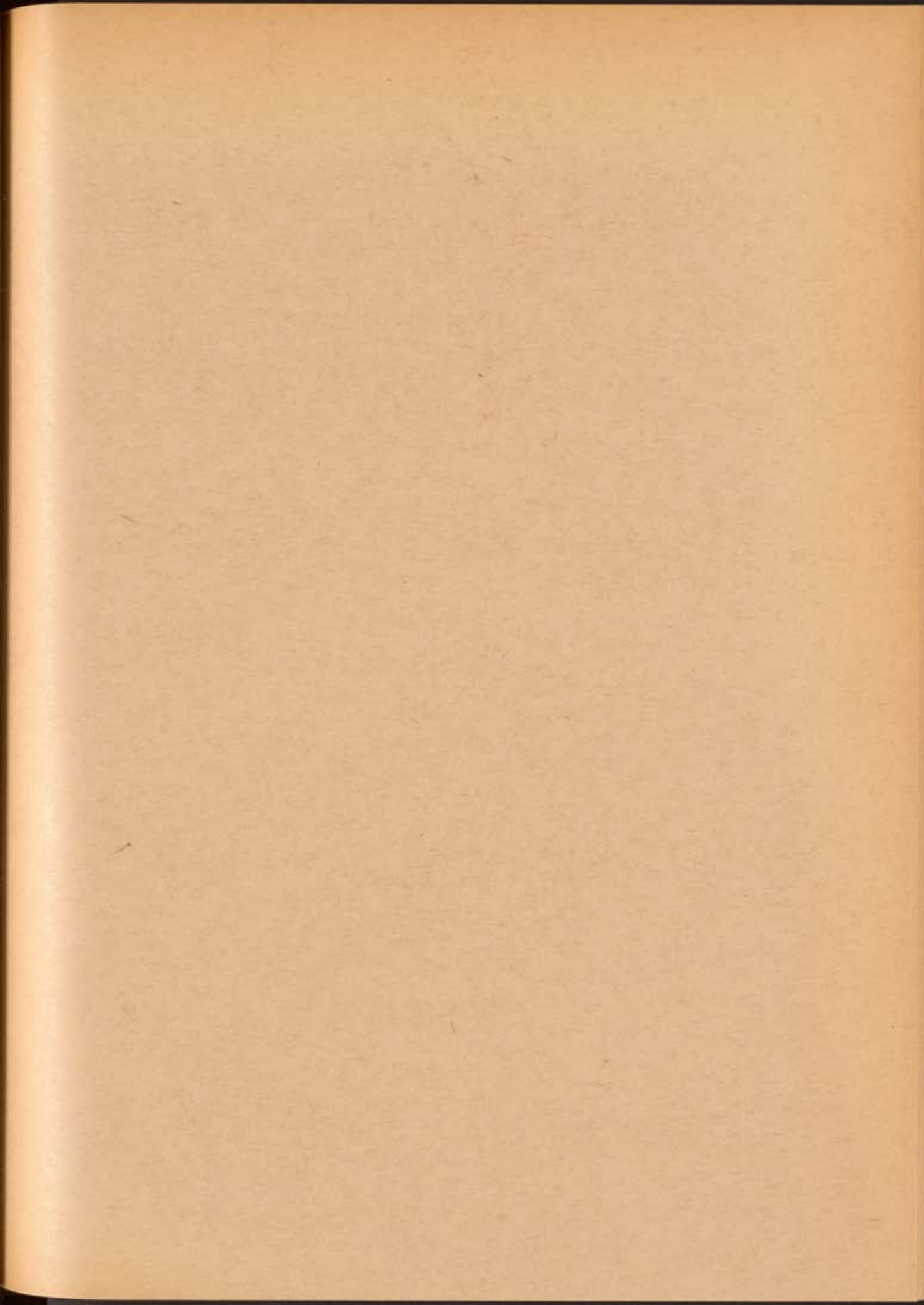
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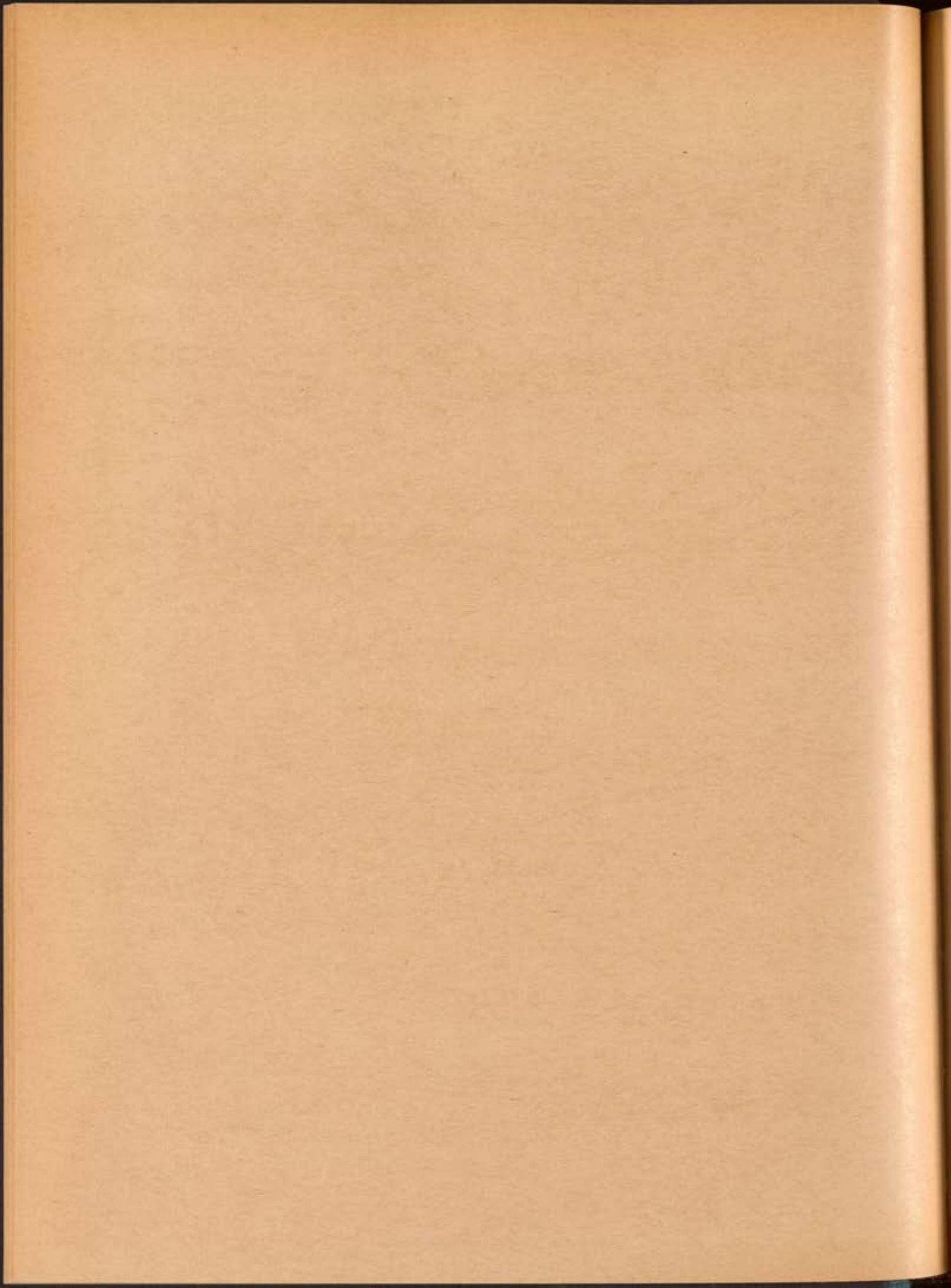
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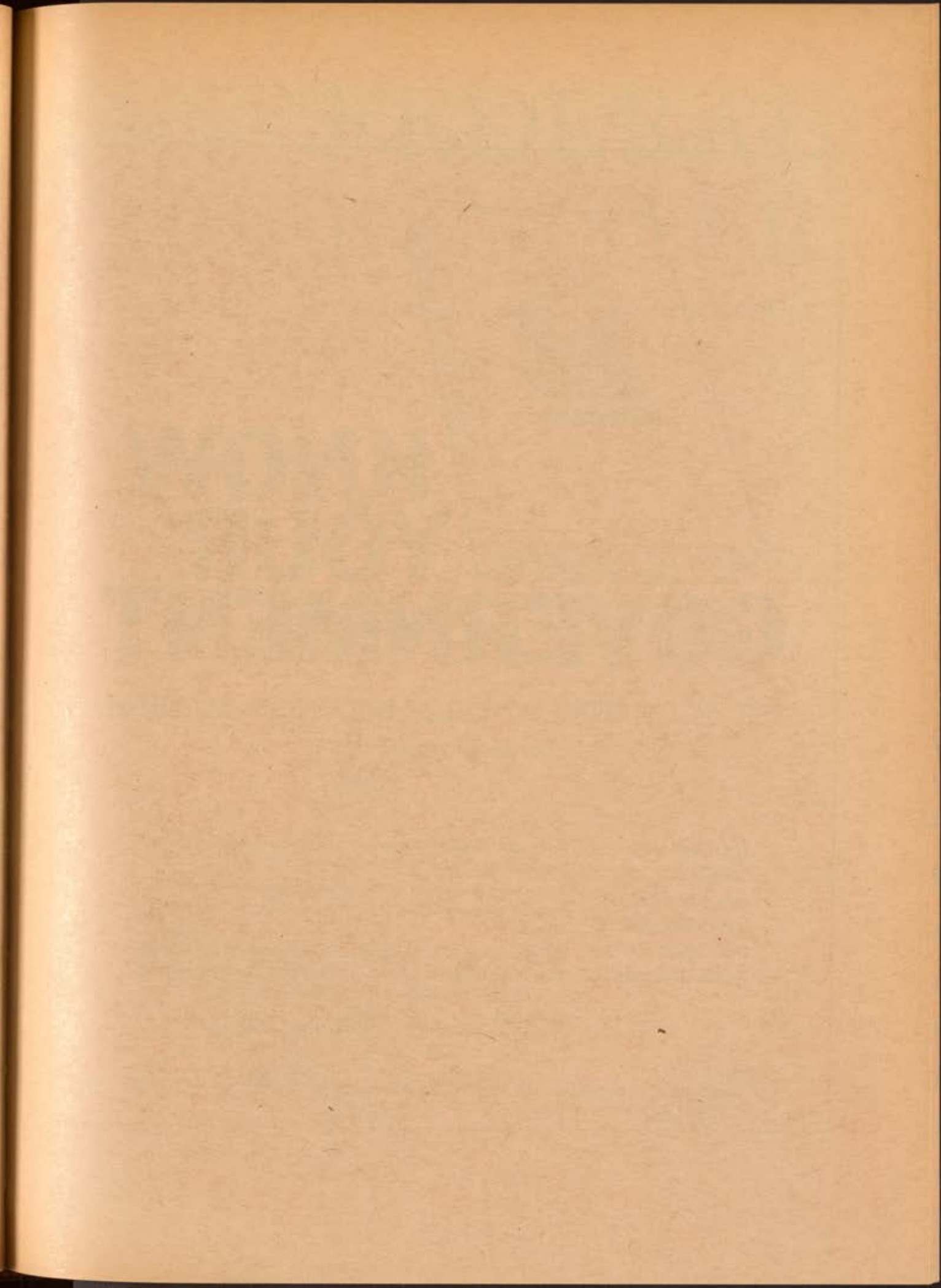
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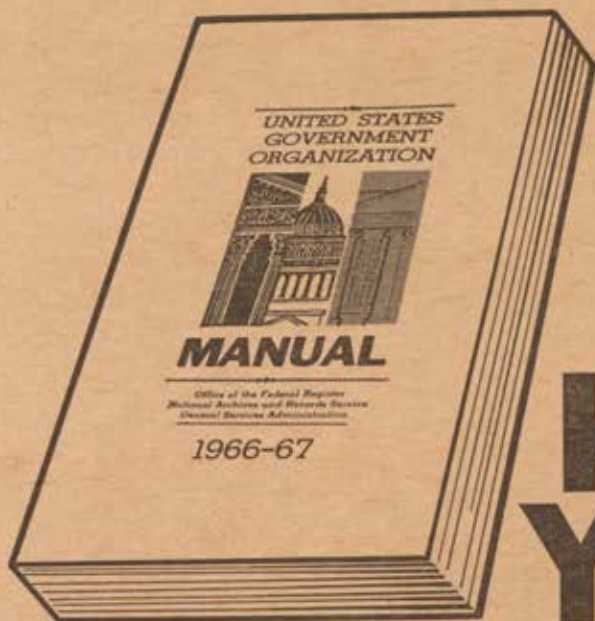
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